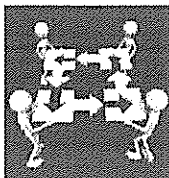


# Exhibit A



Autism Services And Programs, LLC

## Evaluation Report

**Client Name:** Devlyn Thompson  
**Inmate Interview Date:** September 23, 2021  
**Date of Birth:** June 1, 1993  
**Chronological Age:** 28 years, 3 months.  
**Examiner:** Laurie Sperry, Ph.D., BCBA-D, MSc Forensic  
Psychology/Criminal Investigation, Board Certified Behavior Analyst-Doctoral

**Table of Contents**

<b>Autism Spectrum Disorder Definition</b>	<b>3</b>
<b>Records Review</b>	<b>4</b>
<b>Educational History</b>	<b>4</b>
<b>Assessments</b>	<b>5</b>
<b>Autism Diagnostic Interview Revised</b>	<b>5</b>
<b>Vineland Adaptive Behavior Scales</b>	<b>9</b>
<b>ADOS-2 Module 4</b>	<b>15</b>
<b>Person Centered Plan</b>	<b>21</b>
<b>Autism Specific Related Deficits</b>	<b>23</b>
<b>Forensic Interview</b>	<b>27</b>
<b>Considerations for the Court</b>	<b>32</b>
<b>Conclusion</b>	<b>34</b>
<b>Signature Page</b>	<b>35</b>

## **Autism Spectrum Disorder**

Autism Spectrum Disorder Diagnostic Criteria (American Psychiatric Association, DSM 5 2013).

### **A. Persistent deficits in social communication and social interaction across multiple contexts, as manifested by the following, currently or by history**

1. Deficits in social-emotional reciprocity, ranging, for example, from abnormal social approach and failure of normal back-and-forth conversation; to reduced sharing of interests, emotions, or affect; to failure to initiate or respond to social interactions.
2. Deficits in nonverbal communicative behaviors used for social interaction, ranging, for example, from poorly integrated verbal and nonverbal communication; to abnormalities in eye contact and body language or deficits in understanding and use of gestures; to a total lack of facial expressions and nonverbal communication.
3. Deficits in developing, maintaining, and understanding relationships, ranging, for example, from difficulties adjusting behavior to suit various social contexts; to difficulties in sharing imaginative play or in making friends; to absence of interest in peers.

### **B. Restricted, repetitive patterns of behavior, interests, or activities, as manifested by at least two of the following, currently or by history (examples are illustrative, not exhaustive; see text):**

1. Stereotyped or repetitive motor movements, use of objects, or speech (e.g., simple motor stereotypies, lining up toys or flipping objects, echolalia, idiosyncratic phrases).
2. Insistence on sameness, inflexible adherence to routines, or ritualized patterns or verbal nonverbal behavior (e.g., extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, need to take the same route or eat food every day).
3. Highly restricted, fixated interests that are abnormal in intensity or focus (e.g., strong attachment to or preoccupation with unusual objects, excessively circumscribed or perseverative interest).
4. Hyper- or hypo reactivity to sensory input or unusual interests in sensory aspects of the environment (e.g., apparent indifference to pain/temperature, adverse response to specific sounds or textures, excessive smelling or touching of objects, visual fascination with lights or movement).

### **C. Symptoms must be present in the early developmental period (but may not become fully manifest until social demands exceed limited capacities or may be masked by learned strategies in later life).**

### **D. Symptoms cause clinically significant impairment in social, occupational, or other important areas of current functioning.**

**E. These disturbances are not better explained by intellectual disability (intellectual developmental disorder) or global developmental delay. Intellectual disability and autism spectrum disorder frequently co-occur; to make comorbid diagnoses of autism spectrum disorder and intellectual disability, social communication should be below that expected for general developmental level**

**Records Reviewed:**

**Thompson- Criminal Information**

**Thompson- Factual Profile**

**Thompson- Plea Agreement**

Charges: 18 U.S.C. §§ 111(a)(1) and (b) (Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon) January 6, 2021 at the United States Capitol Building.

Devlyn is currently being held at the Federal Detention Center in Seattle, Washington.

**Educational History**

1. **Daycare**-Devlyn attended a number of in-home daycares from the time he was a year old through approximately nine years of age. Early on his mother began receiving reports that the day care “couldn’t handle him.” Even as a toddler, Devlyn would scream relentlessly and the day care could not do anything to soothe him. As he got older the daycare would report to his mother that he was easily angered and they couldn’t deal with him so he transferred frequently to other in-home providers.
2. **Montessori School**- Devlyn attended a Montessori school from ages three-four. His mother recalls him playing by himself and not wanting to interact with the other children.
3. **Elementary School**-Devlyn attended Elkridge elementary school from Kindergarten through fifth grade. His mother recalled that he always seemed to be in trouble for “throwing fits” and was frequently sent to the office.
4. **Middle School**- Devlyn attended Glacier Middle from sixth grade through eighth grade. It was in middle school that he developed his deep interest in politics. It was determined that Devlyn needed advanced work to help keep him engaged. He had to be put into a Safe Schools program that provided him with access to a counselor one to two times a week.
5. **High School**- Devlyn attended White River High School from ninth grade through twelfth grade. He would often “tell his teachers off”. He began to feel afraid to do things that made him feel socially uncomfortable. His mother suspects he was sabotaging his grades as they were not reflective of his ability.

**Assessments Used:**

- Autism Diagnostic Interview Revised (ADI-R)
- Vineland Adaptive Behavior Scales- 3 (VABS-3)
- The Autism Diagnostic Observation Scale-2, Module 4- Adolescent/Adult Fluent Speech (ADOS 2)
- Person Centered Plan

**Autism Diagnostic Interview Revised: (ADI-R)**

**Date of Evaluation:** September 14, 2021

**Respondents:** Michelle La Vergne, biological mother.

The Autism Diagnostic Interview-Revised (ADI-R) (Le Couteur, et al., 2003) is the most widely used and well-established interview for the assessment of autism spectrum disorder (ASD). Diagnostic algorithms, which yield a classification of “autism” or “non-autism,” exhibit good to excellent predictive validity, especially when used in combination with the Autism Diagnostic Observation Schedule (ADOS) (see Risi et al., 2006). This standardized, Semi-structured interview is administered by a trained clinician in approximately 2-3 hours. The ADI-R includes 93 items focusing on Early Development, Language/ Communication, Reciprocal Social Interactions and Restricted and Repetitive Behaviors and Interests.

The ADI-R was conducted to gather information about Devlyn’s social and developmental history. This evaluator specializes in the impact of ASD across the lifespan with an emphasis on adult and forensic issues, and the evaluator was brought in specifically to collect developmental information as it relates to Devlyn’s diagnosis of ASD.

**Developmental History and Diagnostic Presentation**

The Autism Diagnostic Interview-Revised was conducted with Devlyn’s mother, Michelle LaVergne, over the phone. Prior to the phone interview, Devlyn’s mother was encouraged to review his baby books and school records to refresh her memories about Devlyn’s early development. Michelle LaVergne was a reliable and consistent informant. The following is a summary of that interview:

**History**

Prior to being taken into custody, Devlyn lived independently in his own apartment and was employed. He is the oldest of three half brothers. He has a half brother Karlyn who is twenty four, a half brother William who is eighteen, a half brother Braeson who is fifteen and a foster brother

Matt, who is thirty-one. Devlyn's family history is significant for a history of autism. His brother Karlyn did not speak until he was six, however he was never formally diagnosed with autism. His brother Braeson received a diagnosis of Aspergers Syndrome at age four. Devlyn's biological father is "a lot like Devlyn- highly intelligent with no common sense" according to his mother.

### **Developmental Milestones**

According to parent report, Devlyn had a somewhat uneven pattern of development. Devlyn's mother recalled that he never crawled. He always had to "walk on his tippy toes" he wouldn't allow his knees to touch the floor ever. His language development was precocious, he began saying his first words around eight months and began speaking in full sentences by eighteen months. His mother found it extremely difficult to soothe him as an infant "All he ever did was scream. I couldn't soothe him or know how to help him." She called the hospital and asked the doctors if they could help. Devlyn achieved bladder control within normal limits, however he continued to have nocturnal enuresis until he was sixteen years old. He also had problems with bowel control and continued to occasionally soil himself until he was approximately sixteen years old. Devlyn was diagnosed with Asperger's Syndrome when he was five after a psychologist at school recommended that his mother get him tested.

Devlyn is not on any prescribed medications at this time and is adamantly opposed to them. He does use CBD and smokes marijuana to calm himself down but is not able to access either during his period of incarceration. Mental health consultation with a psychiatrist should be part of Devlyn's plan to examine his mental health needs.

Specific concerns about his social communication and atypical behaviors are described below.

### **Communication**

Like many people on the higher end of the autism spectrum, Devlyn was not delayed in his acquisition of speech. However, he does display abnormalities in the *quality* of his communication. When he was a child he did not point to express interest, rather he would use his entire hand to wave. As a young child he had a paucity of social imitative play (ie. imitating activities he saw his parents doing). His mother could only recall one instance of pretend play. Instead, he would "literally sit in front of the TV and watch World Wrestling Entertainment (WWE) and baseball." His mother reported that it is extremely difficult to have a conversation with Devlyn. He is "not big on small talk" and when he does converse with others it has to be a topic of his interest. A reciprocal exchange in a conversation is very difficult for him. His communication style appears to be pedantic meaning he will lecture the listener and if the person doesn't agree with his position he will become extremely frustrated and keep repeating himself.

### **Social Interaction**

When Devlyn was a young child, his mother found it extremely difficult to catch his eye. She recalls having to physically turn his head and say, "Look at me". He did not smile as often or as easily as most children his age. Devlyn's mother found it difficult to know how he was feeling by the look on his face as he sometimes had a blank or neutral expression. When Devlyn was younger, he preferred adults to children and wanted to carry on conversations with adults on an adult level. When he did play with other children he couldn't manage being in a large group,

preferring instead to have one playmate at a time. Devlyn's responses to peers depended on whether they were playing something that interested him, in particular he enjoyed playing sports (football and basketball). His mother recalls that as a young child he often preferred to play by himself. When he did play, he primarily wanted to play with older children, not those his own age. His mother noted that he has had a small group of friends since early childhood. Many of them have moved on to careers, marriage and family. They seem to "get" Devlyn and make concessions to do what he wants. It was rare that Devlyn sought to spontaneously share his enjoyment with others, unless it was related to his interest in politics and "standing up for what he believed in." His mother noted that if you didn't have a very detailed understanding of the sport he was talking about or if you didn't share his same political beliefs, a very heated conversation would ensue.

In summary, the quality of Devlyn's social interactions were impacted by his autism and his likely social opportunities became more narrowly focused with others who confirmed his political viewpoints.

### **Restricted Interests and Atypical Behaviors**

Devlyn's history and current status is remarkable for a number of restricted interests and maladaptive behaviors. From a young age, Devlyn engaged in ritualistic behaviors that included hand washing, and showering up to five times a day. His mother reported that these rituals could not be interrupted or "there would be a fight." As a child, Devlyn did not like his things moved and was reactive to minor changes in the house like the movement of furniture. As an adult, this rigidity took the form of him having a very literal interpretation of his job duties to the point that he would refuse directives from his boss if they fell outside of his written job description. In terms of maladaptive behaviors, it was difficult for his mother to pinpoint reliable antecedents to problem behaviors. It "felt out of the blue". His aggressive behaviors were much more frequent when he was younger and at times his mother had to "hold him down" for up to thirty minutes while he was having an outburst. He would "use whatever he could find" in terms of implements during these episodes to aggress towards caregivers or family members. In terms of aggression towards non caregivers or non family members, his aggression was typically limited to throwing things or verbal threats. He might say he was going to "beat someone up" or "kill people." This was usually in response to being bullied. Devlyn has a history of self-injurious behavior that included head banging and head directed punches with a closed fist.

### **AGE WHEN ABNORMALITY FIRST EVIDENT**

Based on the information provided by his mother, it appears that Devlyn's developmental differences first manifested themselves on or before 36 months of age. It became clear early on (eight months) because of Devlyn's "constant screaming" and inability to be soothed that something different was going on with his development. His mother noted that he preferred the company of adults, had a lack of imaginative play and had limited interest in playing with other children if the play activity didn't reflect his interests.



**ADI-R Score Summary**

<b>Subsection</b>	<b>Score</b>	<b>Cutoff</b>
Qualitative Abnormalities in Reciprocal Social Interactions	15	10 (exceeds)
Qualitative Abnormalities in Communications	8	8 (meets)
Restricted, Repetitive and Stereotyped Patterns of Behavior	6	3 (exceeds)
Abnormality of Development Evident at or Before 36 Months	4	1 (exceeds)

**Algorithm:** Information obtained for the ADI-R, an interview administered to Michelle La Vergne indicates that Devlyn's early developmental history *exceeds* the minimum score (cutoff) required for instrument classification of Autism on this measure. A diagnosis of Autism is indicated.

# Vineland-3

Adaptive Behavior Scales—Third Edition

---

Vineland Adaptive Behavior Scales, Third Edition (Vineland™-3)  
Comprehensive Interview Form Report  
*Sara S. Sparrow, Domenic V. Cicchetti, and Celine A. Saulnier*

**Examinee Information:**

Name: Devlyn Thompson

Gender: Male

Birth Date: 6.1.93

**Test Information:**

Assessment completion: 9.12.21

Examinee's Age: 28 years, 3 months, 11 days

Interview Respondents: Michelle

Relationship: Mother

Interviewer's Name: Dr. Laurie Sperry

**OVERALL SUMMARY**

The Vineland-3 is a standardized measure of adaptive behavior- the things that people do to function in their everyday lives. Whereas ability measures focus on what the examinee can do in a testing situation, the Vineland-3 focuses on what he or she actually does in daily life. Because it is a norm-based instrument, the examinee's adaptive functioning is compared to that of others his or her age.

Devlyn was evaluated using the Vineland-3 Comprehensive Interview Form. The form was completed with Michelle LaVergne, Devlyn's mother.

**SCORE SUMMARY SUBDOMAINS**

**Communication Sum of V Scale Scores: 26**

	Raw Score	Age Equivalent	% Estimated
<b>Receptive</b>	71	4:4	0
<b>Expressive</b>	94	5:10	0
<b>Written</b>	62	9:8	0

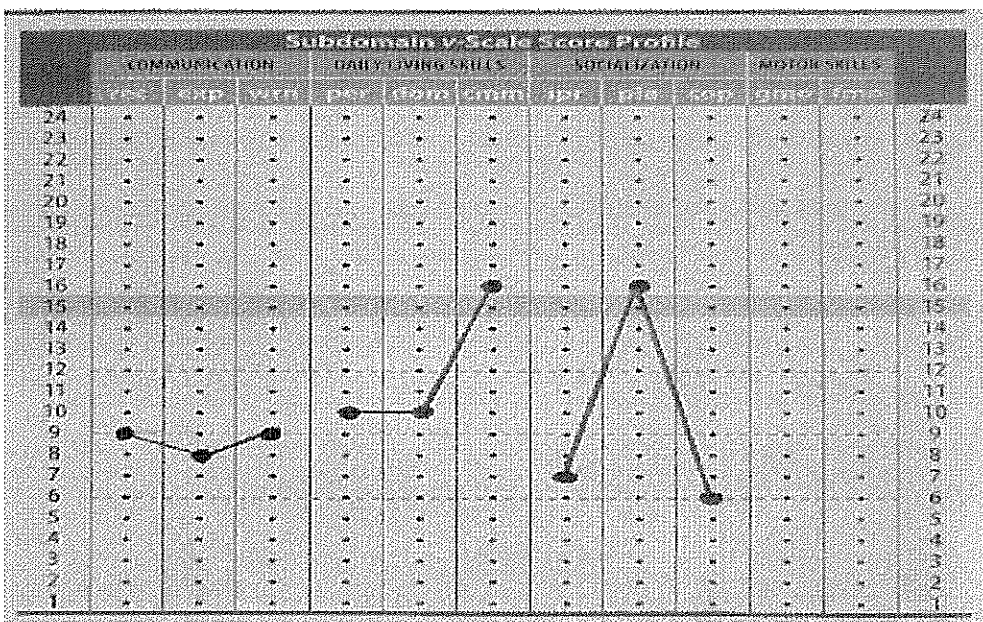
**Daily Living Skills Sum of V Scale Scores: 36**

	Raw Score	Age Equivalent	% Estimated
<b>Personal</b>	104	14:0	0
<b>Domestic</b>	52	13:9	0
<b>Community</b>	115	22:0+	0

**Socialization Sum of V Scale Scores: 29**

	Raw Score	Age Equivalent	% Estimated
<b>Interpersonal (IPR)</b>	60	3:3	0
<b>Play and Leisure</b>	72	20:0+	0
<b>Coping Skills</b>	38	4:0	0

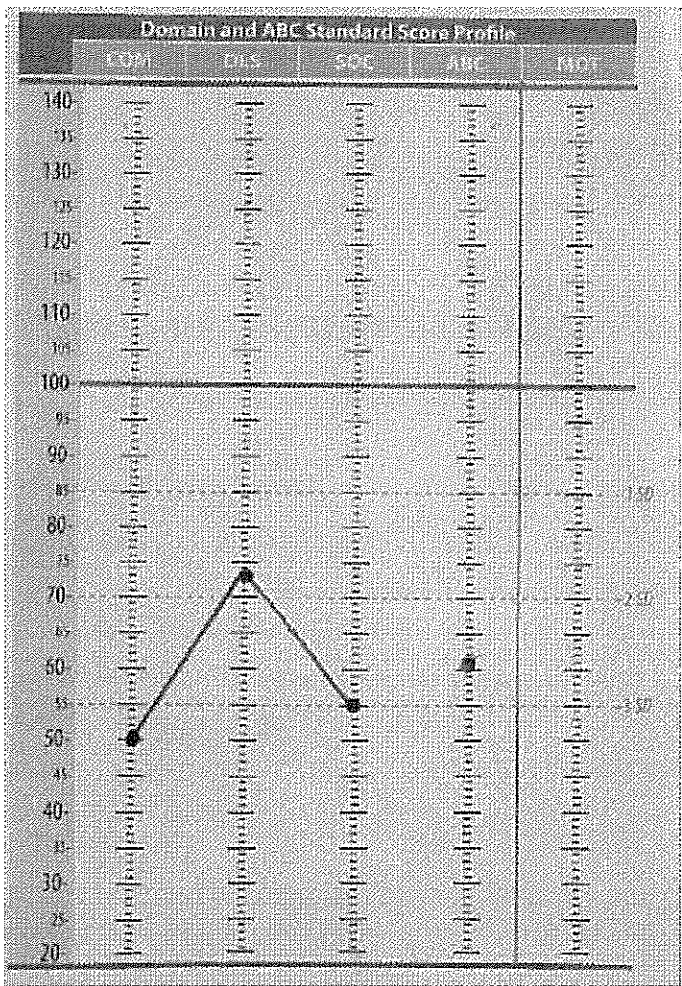
**Subdomain v-Scale Score Profile**



**SCORE SUMMARY STANDARD AND ABC**

	Sum of v scale score	Standard Score	Percentile Rank
Communication	26	50	<1
Daily Living	36	73	4
Socialization	29	55	<1
<b>ABC Score</b>		<b>61</b>	<b>&lt;1</b>

**Domain and ABC Standard Score Profile**



Devlyn’s overall level of adaptive functioning is described by his score on the Adaptive Behavior Composite (ABC). His ABC score is 61, which is more than two standard deviations below the normative mean of 100 (the normative standard deviation is 15). This places him below the 1st percentile among people of similar age.

The ABC score is based on scores for three specific adaptive behavior domains: Communication, Daily Living Skills and Socialization. The domain scores are also expressed as standard scores with a mean of 100 and standard deviation of 15. Standard scores are used in norm-referenced tests to compare one person's performance on a test to the performance of other people the same age.

The Communication domain measures how well Devlyn listens and understands, expresses himself through speech, and reads and writes. His Communication standard score is 50, which is more than three standard deviations from the mean of 100.

The Daily Living Skills domain assesses Devlyn's performance of the practical, everyday tasks of living that are appropriate for his age. His standard score for Daily Living Skills is 73, which is more than one standard deviation below the mean of 100.

Devlyn's score for the Socialization domain reflects his functioning in social situations. His Socialization standard score is 55, which is three standard deviations below the mean.

Devlyn's scores reflect a significant delay in all domains. While his domain scores are low in aggregate, he does have strengths in the Community subdomain of the Daily Living Skills domain and the Play and Leisure subdomain of the Socialization domain. His Community subdomain v-scale score of 16 reflects an age-equivalent (AE) score of 22+ (the top AE score for this subdomain). and his Play and Leisure v-scale score of 16 reflects an AE score of 20+ (also the top AE score for this subdomain).

## **VINELAND SCORE INTERPRETATION**

### **Estimated Responses:**

The number of estimated responses is low enough to have no effect on the interpretation in any of the subdomains.

### **Communication Domain**

The communication domain measures how well Devlyn exchanges information with others. His Communication standard score is 50, which places him at the 1st percentile among peers of similar age. It should be noted that Devlyn's AE score on the subdomain of written expression was somewhat higher than his AE scores on the subdomains of expressive communication (his output) and receptive communication (what he understands). This suggests that Devlyn may be able to communicate more effectively by reading and writing than by speaking and listening. This may help to explain some of Devlyn's maladaptive behaviors, which will be described below. The people in Devlyn's life may think he understands everything that is being said to him, but he may not be able to understand the speaker's verbal communication or use his verbal communication effectively to communicate his wants, needs and expectations.

### **Daily Living Skills Domain**

The Daily Living Skills domain assesses Devlyn's performance of the practical, everyday tasks of living that are appropriate for his age. His standard score for Daily Living Skills is 73, which again is one standard deviation below the mean of 100.

Devlyn's Daily Living Skills domain standard score is derived from his scores on three subdomains: Personal, Domestic, and Community. His Personal subdomain score expresses his level of self-sufficiency in areas such as eating, dressing, washing, hygiene, and health care. Here his AE score is 14:0 (14 years, 0 months). Devlyn's Domestic subdomain score reflects the extent to which he performs household tasks such as cleaning up after himself, doing chores, and food preparation, and within this subdomain Devlyn has an AE score of 13:9. The Community subdomain measures Devlyn's function in the world outside the home, including safety, using money, travel, and rights and responsibilities. Again, his AE score of 22:0+ shows strengths in this area.

### **Socialization Domain**

Devlyn's score for the Socialization domain reflects his function in social situations. His Socialization standard score is 55.

Devlyn's Socialization domain standard score is based on his scores on three subdomains: Interpersonal Relationships, Play and Leisure, and Coping Skills. Interpersonal Relationships assesses how Devlyn responds and relates to others, including friendships, caring, social appropriateness and conversation. Devlyn's Play and Leisure score reflects how he engages in leisure activities with others. His Coping Skills score conveys how well he demonstrates behavioral and emotional control in different situations involving others. For the Interpersonal Relationships subdomain, Devlyn received a v-scale score of 7, which gives him an AE score of just 3:3. His Coping Skills subdomain v-scale score is 6, reflecting an AE score of 4:0. Devlyn's Play and Leisure subdomain v-scale score is 16, which reflects an AE score of 20+. Again, this is the top possible AE score for this subdomain, and it suggests definite strengths in this area.

### **Discussion of Score Profiles**

Devlyn shows a score profile that is fairly typical for those on the autism spectrum. His Communication domain standard score, while quite low, is bolstered by his Written subdomain score. One big difference between verbal modes of communication (Receptive and Expressive subdomains) and written modes of communication (reading and writing within the Written subdomain) has to do with subtleties within messaging: Verbal modes of communicating are often subject to varying interpretations due to tone, inflection, and volume. Written modes of communication are often more straightforward.

Similarly, the contrast between adaptive skills within the Daily Living Skills domain--many of which can be learned by rote--and adaptive skills within the Communication and Socialization domains, which often require the interpretation of a range of hints, cues, facial expressions,



norms, and understanding of the intentions of others, is significant. For individuals impacted by ASD, this interpretation does not occur naturally and can be quite difficult to simply memorize.

It is therefore not uncommon to see a score pattern similar to Devlyn's: very low scores in the Communication and Socialization domains, and a somewhat higher score within the Daily Living Skills domain.

#### MALADAPTIVE BEHAVIOR RESULTS

Devlyn has a number of maladaptive behaviors, both within the area categorized as *internalizing behaviors* and the area categorized as *externalizing behaviors*. Internalizing behaviors scored as "often" (rather than "sometimes" or "never") include sleep problems, refusal to go to school or work because of worrying, sadness, or nervousness, extreme anxiousness or nervousness, and feelings of helplessness or hopelessness.

Internalizing behaviors scored as "sometimes" include eating problems, sometimes avoiding interacting with other people, extreme fears of one or more common objects or situations, worrying for no clear reason, and irritability/moodiness.

Externalizing behaviors that Devlyn often displays include temper tantrums as a child that occasioned police visits to the home, bullying others physically or with words, stubbornness or argumentativeness, verbal abuse, and displaying much more restlessness than others his age.

Externalizing behaviors scored as "sometimes" include disobedience of those in authority, and when he was younger, stealing, physical aggression, and destruction of property.

The Vineland-3 has a third set of maladaptive behaviors labeled *critical items*, and this set of behaviors includes the following: Devlyn often becomes fixated on objects or parts of objects (e.g., spinning wheels, fan blades, flipping light switches over and over), self-harm (would band his head and bite himself when he was younger), bedwetting up to the age of 16, compulsive showering multiple times a day, fixation on topics to a point that it annoys others, and as a teenager he talked about killing himself.

Critical items rated as "sometimes" include strange or repetitive speech, loss of awareness of what is happening around him ("zoning out"), repeated rocking back and forth, beliefs that do not comport with reality or are not true, and a tendency to be tricked by others into doing things that could harm himself or others. As a child, Devlyn was prone to wandering away from home or school, and threatening to hurt others.

**The Autism Diagnostic Observation Scale-2 Module 4 (ADOS-2)**

**Respondent:** Devlyn Thompson

**Evaluator:** Dr. Laurie Sperry

**Date of Administration:** September 23, 2021

The ADOS-2 is considered a gold standard tool in the diagnosis of Autism Spectrum Disorders. Each module consists of a set of standardized scenarios that the examiner walks the subject through. Components include structured conversations and social scenarios. The examiner uses a hierarchy of structures called presses to cue responses. Module Four is designed for adolescents/adults who are verbally fluent. The test was administered at the Federal Detention Center in Seattle, WA.

The following sections of the ADOS-2, Module 4 were administered to Devlyn:

- Construction Task
- Telling a Story from a Book
- Description of a Picture
- Conversation and Reporting
- Current Work or School
- Social Difficulties and Annoyance
- Emotions
- Demonstration Task
- Break
- Daily Living
- Friends, Relationships and Marriage
- Loneliness
- Creating a story

**Construction Task:** *This task serves as a warm-up activity and an opportunity to observe the participant's interactive behavior during a structured activity. The participant is meant to ask for help within the context of the task.*

Devlyn asked a clarifying question "Is the idea to cover this thing?" (meaning puzzle jig). He did not spontaneously request more pieces but when prompted "Let me know if you need more pieces" he said "Yeah I do" His eye contact was not integrated with his response.



**Communication Sample from Construction Task:**

Devlyn's language to request could be described as abrupt and telegraphic. He used the minimum number of words to state his need for additional pieces. "Yeah I do."

**Telling a Story from a Book:** *This task assesses the participant's ability to recount a sequential story from a book of pictures and to provide a context for comments about social relationships and affect.*

Devlyn described actions in the book- "walked, knocked". He did not provide any comments about the social relationships of the characters. His story did have continuity. He described only one emotion "he seems confused" when describing the story. He spent a great deal of time focused on very small details in the pictures rather than on the whole of the story. This may reflect a Weak Central Coherence, discussed in detail in the latter part of this report, wherein a person with ASD focuses on details rather than the overall theme of what is going on.

**Description of a Picture:** *Examines the participant's spontaneous language and communication as well as providing a sense of what captures the interest of the participant.*

There were several presses provided by the examiner to probe Devlyn's ability to *spontaneously* offer personal information, ask for information and engage in reciprocal conversation. In later parts of the ADOS administration, Devlyn would *respond* more comprehensively to direct questions, however, in social conversation about where in the U.S. Devlyn and the examiner had visited, he had limited follow up to presses and conversation starters provided by examiner, though he was able to respond to questions about his own travels. His eye contact during these exchanges ranged from fleeting to prolonged staring at the examiner.

**Conversation and Reporting:** *Examines the extent to which the participant is able to build on the examiner's statements, elaborate on his own statements to provide leads and take a full role in a reciprocal conversation. Observed features of the participant's communication include his use of gaze, facial expressions, intonation and use of gestures.*

Devlyn's social interaction with the examiner was primarily limited to extremely detailed responses about things that interested him. He spoke at length about real estate, licensure, algorithms and asset valuation. His speech could be described as pedantic and he did not attempt to build on many of the examiner's statements. Understandably, the mandated mask requirement made it difficult to view his facial expressions in their entirety, however, his eyes did not crinkle in a smile, his eyebrows or forehead did not register surprise, anger or dismay. Overall, his affect and tone of voice appeared flat. He was not observed to use gestures to augment his speech. Devlyn was most engaged when talking about areas of his own deep interests.

**Current Work/School:** *Examines work history and realistic understanding of the possibilities of future employment.*

At the time of the incident, Devlyn was working for a real estate company and had been promoted four times during the two and a half years he was with the company. His job initially involved property management but then he was promoted to a leasing manager. He managed an eleven

person team and reported that he did not enjoy this aspect of the job as he worked best alone and didn't like having to manage people and deal with their complaints. He was again promoted to senior operations which involved writing formulas, data analytics, and meeting with developers. He was on track to be promoted to portfolio management at the time of the incident. He was terminated from the company within a week of the incident.

**Social Difficulties and Annoyance:** *Examines the participant's perceptions of social difficulties and insight into the nature of these problems.*

When asked, Devlyn admitted to having problems getting along with people at home, especially with his mother and at school where he reported being in fights. He then stated "I'm sometimes oblivious that they aren't getting along with me." This suggests that Devlyn may not have a good understanding of how his behavior impacts others, thus perspective taking would need to be a central focus of Devlyn's treatment and rehabilitation. When asked why he reported "butting heads" with his mother, he stated that her parenting style was a "Do what I say" but he would try to "Logic it out in my head" so if the rule didn't make sense to him, he had difficulty following it. Devlyn reported particular annoyance with people who engage in "passive aggressive behavior" "I don't get it. I don't get overly emotional people." "When people take their own perception of what I say over my intention. They say, 'This is how it sounded to me.' Well that's not how I meant it." Again, this suggests impairments in perspective taking and how he is being perceived by others. Devlyn showed limited insight about what *he did* that annoyed others. He speculated "I'm sure it's some of my oppositional stuff", stubbornness, talking about himself too much and argumentativeness. He also noted that it is especially difficult for him to listen to different political views other than his own. He was somewhat dismissive of people who had a different political orientation than his saying he struggled with "dealing with people who are strictly speaking from emotion, especially as it relates to politics." This may explain why Devlyn entered into an internet echo chamber of political ideology that mirrored his own, creating the confirmation bias that allowed him to discard views contrary to his own while accepting only those that confirmed his positions on politics in general and right wing politics in particular. When asked, Devlyn admitted to being bullied by his older cousins. He spent a great deal of time growing up on a property owned by his grandmother that was shared by his uncle and cousins so he was routinely exposed to teasing about an incident where he fell and was injured in the shower when trying to pick up a bar of soap. This led to teasing, which Devlyn described as "mean spirited" about sexual assault for a number of years. He felt his cousins recognized that he wasn't as "tough" as them. He did try chewing tobacco, splitting logs, climbing trees and dressing like his cousins to fit in.

**Emotions:** *Examines the participant's use of facial expressions and creative uses of language in the context of describing his emotions.*

This section requires the respondent to define an emotion, describe the physiological state their body is in when experiencing that emotion and identify things that cause them to feel that way. Devlyn was able to identify events that elicit different emotions (sadness, happiness, anxiousness). Interestingly, Devlyn was taught a great deal of "social scripting" during his job at Commons. He learned active listening, affirmations ("I see what you're saying"). This helped him learn to interact more effectively with clients but may also mask the extent of his social and behavioral challenges related to his autism. He identified that people not seeing his point of view provoked his anger and if the conversation continued but the listener didn't understand his point of view he became very frustrated. Devlyn repeatedly stated in various ways that if someone didn't agree with

him regardless of the topic it was a result of them not understanding rather than the listener having different ideas, beliefs and values. This reflects an impairment in perspective taking and Theory of Mind (ToM). He acknowledged that when he was angry he felt out of control and his focus narrows. He is not able to think past the moment. *This is likely what happened during the events of January 6, 2020 when his cognitive rigidity, intersected with his difficulty self regulating and his executive functioning challenges of thinking through the what ifs of his actions.*

**Demonstration task:** *Examines the participant's ability to represent familiar actions in gestures and the ability to report a routine event and the pragmatics of teaching a sequence of actions.*

Devlyn was able to use gestures and words in the appropriate sequence during the demonstration task.

**Break:** *Examines the participant's ability to occupy himself during free time. Evaluates how the participant responds to the examiner's withdrawal from and return to the interaction.*

Devlyn was told that the examiner had to complete some paperwork and he could occupy his time with the break time activities for a while. He was provided with a number of leisure activities to fill the "break" time including drawing paper, a magazine and a puzzle. He looked briefly at a National Geographic. He did not initiate conversation during this time, nor did he respond to conversation presses by the examiner when they returned to the interaction.

**Daily Living-** *Examines the participants level of financial responsibility, living arrangements and the extent to which the participant is realistic about plans for independence and the complexities of various living arrangements.*

**Money:** Prior to incarceration Devlyn managed his own money and bank account. Currently his mother is handling his finances. He reported that he had never really saved money to buy something.

**Current Living arrangements:** Federal Detention Center (SEATAC)

**History of Living Independently:** Devlyn was living independently in a house in Georgia with his younger brother, William, at the time of his arrest. He enjoyed living on his own and felt he and his brother were compatible, in part, because William Junior didn't have any friends so he liked that it was just the two of them. His leisure time was spent going out to eat, enjoying the outdoor areas of Georgia, and going on day trips. He later revealed that he spent substantial amounts of time on the internet researching political ideology.

**Friendships:** *Examines how the participant understands the concept of friendship and the nature of friendship.*

Devlyn has had a small circle of friends, Trent and Bryce, since his early teens and at one point lived with Trent. Their activities together revolved around sports, dirt bikes and just "hanging out." When asked what friendship meant to him, Devlyn stated "trust, where you call or need something but you don't have to ask. When you don't have anything to offer and they are still there for you. My friends stood by me." He admitted that occasionally he got into arguments with his friends, once even getting into a fist fight over a basketball game that seemed to "matter a lot

in the moment.” He was somewhat able to differentiate a friend from an acquaintance by saying “a friend was someone that you’ve been through things with” however when asked if he had any friends when he moved to Georgia he stated there was a guy in a bar he frequented who might have been his friend because he had seen him in the bar on several occasions. Devlyn was casually dating someone at the time of his arrest. When asked how you know someone is a girlfriend he stated “People call it exclusive, you only know if you ask.” Devlyn had a serious girlfriend in the past but the relationship did not last because it was difficult for him to know why she was upset. He was very solution oriented and wanted to fix things rather than listening.

Despite an excellent vocabulary and an obvious high degree of intelligence, socially, Devlyn has almost a codified understanding of friendships and intimate relationships. None of it seems to rely on nuance. Moreover there were a number of times when Devlyn described situations that highlight his executive functioning deficits of not being able to think through consequences in the moment including a fist fight with dear friends over a basketball game.

**Loneliness:** *Examines the participant's understanding of loneliness and how it pertains to other people.*

When asked, Devlyn admitted to feeling lonely, could recognize that other people felt lonely and had compensatory strategies for making himself feel better that included seeking companionship, learning to be alone, going through the feeling of loneliness.

**Creating a Story:**

*Examines participant's creative use of objects in telling a story.*

Devlyn used the objects in both concrete ways (the car was a car) and inventive ways. He created a story about a man having dinner with his imaginary friend, but his conversational skills were lacking so he got in his car, drove away and went rock climbing.

**Score Summary: ADOS-2 Module 4 Algorithm for DSM-5/ICD-10 ASD Diagnosis**

**Code 0:** When the behavior shows no evidence of abnormality as specified. This does not necessarily imply that the behavior is normal but rather that there is no abnormality as specified.

**Code 1:** When the behavior is mildly abnormal or slightly unusual but not necessarily grossly abnormal or not as clear as the type specified.

**Code 2:** When the behavior is definitely abnormal in the way specified. The severity for coding abnormality at this level varies according to the item.

**Code 3:** When the behavior is markedly abnormal in a way that interferes with the assessment or when the behavior is so limited that judgments about quality are impossible. (Scores of 3 are converted to 2 on Scoring Algorithm)

**SOCIAL AFFECT****Score**

<b>Conversation</b>	<b>1</b>
<b>Empathic or Emotional Gestures</b>	<b>1</b>
<b>Unusual Eye Contact</b>	<b>2</b>
<b>Facial Expressions Directed to Others</b>	<b>1</b>
<b>Communication of own Affect</b>	<b>0</b>
<b>Insight into typical social situations and relationships</b>	<b>1</b>
<b>Quality of Social Overtures</b>	<b>1</b>
<b>Quality of Social Response</b>	<b>0</b>
<b>Amount of Reciprocal Social Communication</b>	<b>1</b>
<b>Overall Quality of Rapport</b>	<b>0</b>
<b>Social Affect Total</b>	<b>8</b>

**RESTRICTED AND REPETITIVE BEHAVIORS**

<b>Speech abnormalities associated with autism</b>	<b>1</b>
<b>Stereotyped/Idiosyncratic Use of Words or Phrases</b>	<b>0</b>
<b>Unusual Sensory Interest in Play Material/Person</b>	<b>0</b>
<b>Hand and Finger and Other Complex Mannerisms</b>	<b>0</b>
<b>Excessive Interest in or References to Highly Specific Topics</b>	<b>1</b>
<b>Restricted and Repetitive Behavior Total</b>	<b>2</b>

**Social Affect and Restricted and Repetitive Behavior Total****10**

**ASD Cut-Off = 8**

**Diagnosis**

Devlyn's score of 10 exceeds the ASD cut off score of 8. According to the ADOS-2 Classification Devlyn meets criteria for a diagnosis of Autism Spectrum Disorder F84.0 Level 1 Needing Support.

**PERSON CENTERED PLAN- Completed September 23, 2021**

According to the DSM 5 ritualistic and repetitive behaviors may be expressed as the pursuit of circumscribed interests. These interests may differ from those of the neurotypical world in their focus (i.e. creating a wikiHow page to ensure accurate pipe bomb making instructions) or intensity (i.e. denied access leads to stealing, aggressive behavior, elopement, trespassing) and as such have the potential to become problematic and reach the level of unlawful behavior. In Devlyn's case, this was exacerbated by the intersection of a circumscribed interest (politics), difficulties in perspective taking (how others- his family, friends and employers would view his actions) and executive functioning challenges related to thinking through the "what ifs" or legal consequences of the behavior. Rather than engaging in an avoidant model of denying access, special interests can and should be shaped and developed into careers which capitalize on the person's extensive well of knowledge (Grandin & Duffy, 2008).

In terms of treatment, the Good Lives Model, while generally used with other types of offending, is based on the assumption that all human beings have an inherent desire to have fulfilling lives. This can be through the acquisition of primary goods or lifestyle goals, including friendships and meaningful work. An emphasis on self-determination allows the person to identify and prioritize these goals or goods and work out how to obtain them. On September 23, 2021 Devlyn participated in a Person-Centered Plan. The purpose of a person-centered plan is to develop a plan for the future that reflects their values, goals, opportunities and obstacles to achieving those goals. The following reflects Devlyn's responses to these topic areas: Dreams, Hopes, Fears, Choices, Opportunities, Obstacles, What Works, What doesn't work, What he Does that results in Losing the Respect of Others, and What he does to Gain the Respect of Others.

**Dreams:** Get back into real estate, start my own consulting firm Get involved in politics. Work for a campaign. Volunteer with a Republican party committee, do service work- teach real estate investment, work with the incarcerated. Teach them how to build wealth and leverage credit.

**Hopes (for the next year):** Get back on my feet. Get a place to live. My car payments are coming out of my savings. Do contract side work, sustain my bills by living off my earnings.

**Fears (if things don't get better or get worse):** A lot. This thing is going to hang over my head for a long time. Being judged. Creating hatred towards the right wing. Don't want this to be taken out on my family. Especially William Junior. I took down my social media account to protect my family. I'm afraid of blow back to the company I was working for.

**Choices- (What Choices did you get to make before custody and now? )**

**Before Custody:** What to eat everyday, clothes, what time to wake up, go to be, who you associate with, ability to travel, be alone, call people, what I looked at on the internet.

**Now:** I get to call people, send emails (those are censored) , buy stuff from the commissary, wear shoes or crocs.

**What I do that Loses the Respect of Others:** It's hard to think about that. How people would judge me. I may say things, sound insensitive, disrespectful. Not much I can think of . I realized I could be doing better on being kind to people.

**What I do that Gains Respect (from others):** Working, I gained a reputation for always being available, my work ethic, working with the executive team, my relationship with my younger siblings, I'm nice to guards, I've been in no trouble here.

**What Works:** Routines for sure, change is not my best thing. I need to settle into a routine and have clear expectations of what's coming. I work best alone. I don't work well in a management role. I didn't like it. I'm logic and reason based.

**What Doesn't Work:** I have a tough time with people complaining. I don't think about the person's problem, I try to give them solutions. It's a gender gap thing. When you are managing- you don't know what to expect. It made my job difficult. My stress management skills are not the greatest.

**Opportunities (what opportunities exist to you?):** I'm trying to read some of the books the chaplain brings. Regain my faith in God. I grew up in the Catholic faith but could see myself as a Baptist or Methodist. I like to read historical books that connect to politics. Biographies, like Abe Lincoln, John Adams, books about what is liberty and how does that connect to the God part of things. Redirections in your life are reasons.

**Obstacles (what obstacles are standing in the way of your dreams):** I need to be able to bear through the bad parts and not give up. I need to make it through the startup process for my new business and not give up. Stick with it, keep pushing and working hard.



### **Autism Spectrum Disorder- Related Deficits**

In 1995, Dr. Oliver Sacks published his ground-breaking book *An Anthropologist on Mars: Seven Paradoxical Tales*, which included two chapters that chronicled the life experiences of people with Autism Spectrum Disorder (ASD). In fact, the title of the book comes from a phrase Dr. Temple Grandin, a world-renowned expert in agricultural engineering with ASD, used when talking about what it feels like for a person with ASD to try to navigate the day-to-day social interactions that those without ASD usually engage in without much thought, or even recognition. To get a sense of that feeling, imagine what it would be like to wake up every day in a foreign world surrounded by people adhering to foreign customs and speaking a language you cannot understand, and not receiving explicit instruction regarding those customs or the language, thus not being able to learn them. Further, imagine that the people adhering to those customs and speaking that foreign language treated you as though you *should* understand, even without explicit instruction or help. That is what everyday life is like for an individual with ASD.

Autism Spectrum Disorder (ASD) is a term for a range of complex disorders of brain development. These disorders are characterized, in varying degrees, by difficulties in social interaction, verbal and non-verbal communication and repetitive behaviors. People with ASD have unique strengths and differences and it is now accepted that there is not one autism, but many expressions of autism caused by different combinations of genetic and environmental factors (Autism Speaks, 2018). The word spectrum means that ASD is expressed differently across a wide variation in terms of the challenges and strengths of each person with this disability. The Center for Disease Control and Prevention (CDC) estimates that 1 in 59 children in the United States have autism (1 in 37 boys, 1 in 151 girls). To qualify for diagnosis of ASD, an individual must experience symptoms from early in life. The diagnosis of Autism (F 84.0) is appropriate for Devlyn. His symptoms of autism from early in life include:

#### **Delayed social development throughout life:**

Early developmental history is a key component in the diagnosis of a neurodevelopmental disorder. Devlyn's developmental history is highly consistent with the diagnosis of ASD. While he had a core group of friends, his mother reported that they remained friends with Devlyn because they "got him" and "accepted him." He has a history of difficulties getting along with others both at home, at school and found it difficult to be in a management position at work, preferring instead to work independently. He was talented enough at work that his employer essentially created a lateral position for him that allowed him to stay with the company but move out of a position that involved him having to manage a team.

#### **Difficulty taking another person's perspective:**

This impacts Devlyn's ability to consider how his behavior affects others. In retrospect, Devlyn was able to state to this examiner that he contributed to the trauma of the police officer he hit with the baton, but in the moment, he felt it was more important to protect a woman who had fallen down, without considering how his actions and words contributed to the overall chaos of the events at the Capitol Building.



**Verbal and Nonverbal communication:**

According to parent report and evaluator observation, Devlyn's facial expressions are neutral regardless of how he is feeling on the inside. In the courtroom, care should be taken not to misinterpret his true emotional state by his facial expression, and he may not be able to accurately read the emotional state of the judge or attorneys.

**Weak Central Coherence**

During the story task of the ADOS, Devlyn was able to point out details and actions of what was happening, but was not able to pull the overall theme of the book together. This reflects weak central coherence, in other words, the difficulty people on the spectrum have deriving meaning from a mass of details. People on the spectrum tend to excel at focusing on extreme detail, and so are able to pick out a tiny element from a mass of complex data or objects. The notion of "weak central coherence" could explain both deficits *and* strengths. When a task requires a person to extract global meaning from many details, to get the "big picture", people with ASD would be at a major disadvantage. When picking out extreme details from surrounding masses of information is required, people with ASD would be in a position to shine. They would be good at parts, but not at wholes. This is important when we consider the extreme nature (details) of some of the information Devlyn was consuming online for up to 40 hours a week prior to his offense. It was extreme and at times over the top hyperbole related to themes of patriotism and an alt-right agenda. All of this was couched in the black and white dichotomy of what it means to be a patriotic citizen without nuance or room for tolerating differences of opinion. It also might explain why, when the events of January 6, 2021 began to escalate, he focused on the details, the fallen woman, his perceived need to see what was happening, the pepper spray in the officer's hand without focusing on the larger context of how chaotic and dangerous the situation had become for everyone.

**Lack of social insight:**

There was little reciprocal conversation during sections of the test which specifically provided opportunities for small talk, unless it was about Devlyn's deep interests (politics, algorithms, football). Impairments in social communication and reciprocity are common in autism. As documented by the results of the standardized test (Vineland), Devlyn scored three standard deviations *below the mean* on the social domain. He does not comprehend basic social conventions and rules and does not learn social behaviors in a typical manner. That is, he does not intuit how he is expected to behave. Social perception is also impaired, and he cannot accurately comprehend others' intentions, which makes him vulnerable to manipulation. His suggestibility and naïveté made him more vulnerable than the average young adult viewer of radical online ideology.

**Cognitive Rigidity**

Cognitive rigidity refers to the inability to mentally adapt to new demands or information, and is contradicted with the cognitive flexibility to consider different perspectives and opinions. Devlyn is repeatedly described as being cognitively rigid. His mother shared reflections that from a young age he would "fight like it was a pro football or basketball game" even if he was playing a pick up game with friends. It was essential that people played, not just by the rules but by his rules.

Devlyn himself reported getting into a fist fight as an older teen with his close friends when the basketball game they were playing didn't turn out as he planned. During the events of January 6, 2021 Devlyn could not reconcile his preconceived idea that there was supposed to be speeches at the Capitol. Even as events devolved into chaos and violence, he reported that he continued to believe that there would be a speech and that President Trump would be coming to the Capitol.

When considering counseling for Devlyn, direct teaching of the skills of compromise, tolerance and policing his own behavior rather than the behavior of others will be extremely helpful.

#### **Theory of Mind deficits, or “mind blindness”:**

Haskins and Silva (2006) posit that circumscribed interests combined with deficits in Theory of Mind (ToM) and Weak Central Coherence may result in the development of intense and fixated interests uninhibited by future consequences and social norms that result in criminal behavior. For example, in Devlyn's case, he spent a substantial amount of time online pursuing his deep interest in politics and confirming his beliefs by following links and suggested texts that further cemented his confirmation bias. Moreover, when asked about what obstacles would keep him from his dream of having his own firm someday, he focused on the challenges of a start up rather than on the more realistic challenges of securing work after incarceration, and being entrusted with people's money after a conviction of this level of notoriety.

#### **Executive Functioning Challenges:**

Researchers at the Center for the Developing Child at Harvard University identify Executive function and self-regulation skills as the mental processes that enable us to plan, focus attention, remember instructions, and juggle multiple tasks successfully. Just as an air traffic control system at a busy airport safely manages the arrivals and departures of many aircraft on multiple runways, the brain needs this skill set to filter distractions, prioritize tasks, set and achieve goals, and control impulses. **Children aren't born with these skills—they are born with the potential to develop them.** People with ASD have impaired executive functioning and may not be able to predict the outcome of their actions due to deficits in this area (Kristiansson & Sorman, 2008). There were several times during the evaluation that Devlyn mentioned his inability to think through consequences “in the moment.”

Devlyn's challenges in executive functioning may have been further compounded by his lack of sleep, the absence of his brother William as a means of checks and balances, and his dysregulation once the violence and chaos of the event began to unfold. During the Forensic interview on September 23, 2021, the evaluator had Devlyn complete a cost/benefit analysis of his behavior to determine if he was able to articulate the cost of his behavior and recognize how his actions resulted in his incarceration, thus negatively impacting his ability to achieve other life goals.

**Interviewer: I want to do a thinking exercise. It's called a cost/ benefit analysis. We are going to list all of the things your actions cost and then the benefits that resulted from it. I use this with the adults I work with to help them think through their decisions. Hopefully ahead of time, before they make the decision but sometimes afterwards so they can evaluate their decision. Can you fill in this chart?**

*Devlyn: I can tell you there's not going to be anything on the benefit side.*

**Cost/Benefit Analysis of Attending January 6<sup>th</sup> rally**

<b>COST</b>	<b>BENEFIT</b>
Lost my job	I can't think of a single benefit
Lost stock options	
Lost/Damaged Reputation	
Lost House in Georgia	
Tons of money on attorney fees	
Face on NYT/MSNBC, Etc.	
Face on bus stop ads	
Put on FBI list	
Contributed to overall scene and psychological damage to officers	

This reflection, nine months after the event, suggests that although Devlyn has the ability to recognize the consequences of his actions afterwards, he lacked the impulse control and executive functioning to consider these costs beforehand.

## **Forensic Interview**

**Client:** Devlyn Thompson

**Interviewer:** Laurie Sperry, PhD., BCBA-D, MSc Forensic Psychology/Criminal Investigation

**Date of Interview:** 9.23.21

**Location of Interview:** Federal Detention Center, SEA TAC, Washington

### **Interviewing People with Disabilities:**

In 2011, the U.S. Department of Justice published a report, *VICTIMS WITH DISABILITIES: THE FORENSIC INTERVIEW Techniques for Interviewing Victims with Communication and/or Cognitive Disabilities*, which provided valuable guidance for interviewing people with disabilities. The report details several steps for successful interviewing as well as protecting the rights of people with disabilities. Chief among these is building rapport, checking for understanding, ensuring the person has access to their comfort items and/or comfort people and the manner in which questions are asked. This evaluator followed these suggestions, building rapport during the meeting by talking about Devlyn's deep interest (football, real estate, algorithms), and having him repeat back in his own words his understanding of the nature of our meetings and asking one question at a time, avoiding double negatives, layered questions, and avoiding figures of speech. Devlyn was allowed time to process and provided the use of a pen and paper during portions of our evaluation. The following answers in italics are verbatims from our interview.

### **Limits of Confidentiality**

I explained that the purpose of our meeting was to discuss parts of his case and to help the lawyers, court and judges learn about autism and the role it might have played in his case. I explained his participation was voluntary, he had the right to withdraw his consent to participate at any time and he had the right to pass on any questions he chose not to answer. I further explained that any information Devlyn provided would be shared with his attorney and would be included in a report that would go into his records.

He was asked “**Do you want to continue?**”

*“Yes”*

**In your own words explain the limits of confidentiality**

*“Whatever I say, you'll take the answers and they will be used in a report. I can withdraw my consent or pass on any questions. “*

**Explain why I'm here:**

**Hello I've been hired by your attorneys to help gather information about your case and to help the courts understand more about autism spectrum disorders. Do you understand?**

*Yes*

**Tell me in your own words why I'm here**

*Devlyn: To talk to me about what happened, to get my account of what happened and how those factors played into what happened. "*

**Do you understand the charges against you?**

*Yes - Now I have a question. The charge is quite confusing because of its multiple prongs. I don't understand the sentencing guidelines at all.*

**Why are you at the FDC?**

*Because I broke the law.*

### **WRONG/ILLEGAL**

**Is there a difference in the meaning of the words "wrong" and "illegal"?**

*There can be. I think that's a specific question about each law. There should be a specific conversation about something that is immoral and illegal. Assaulting an officer is both wrong and illegal.*

**What is that difference in your point of view?**

*That's hard to summarize. You'd have to look at the specifics. Was there a victim? Was there harm done? Is a societal deterrent imposed? The litmus is does the law violate your God given rights like COVID restrictions, freedom of assembly- that's in the constitution, the First Amendment, not being allowed to assemble to protest, speech laws, Liberty is the freedom to do the things you ought to do. Have Kingdom over your own life.*

**Give me an example of something that is wrong.**

*Hurting someone, stealing from someone else.*

**Give me an example of something that is illegal?**

*Speeding, not wearing your seatbelt.*

**Can you give me an example of something that is “wrong” but not “illegal”?**

*Political Action Committees*

**Can you give me an example of something that is “illegal” but not wrong?**

*Not wearing your own seatbelt.*

**How does a person learn that something is “wrong”?**

*Environment, religion, family, school, general society.*

**Is that how you learned about what is wrong?**

*More through my family and general society.*

**How does a person learn that something is “illegal”?**

*Some are obvious. Some you learn by doing them and getting caught. You have to read what the law is.*

**Is that how you learned about what is illegal?**

*Yes and no, I heard about some cases in the media. A Lot of our laws correspond with morals.*

**Have you always been politically active?**

*No, not always. In late 2014-2015 it wasn't my main interest. That grew over time. I was interested in history over civics and how that played into law.*

**What websites were you exploring?**

*I watched CNN, MSNBC, NBC, ABC, New York Times, Seattle news, A good one is the Guardian, I'd look at BBC Right wing sources were too partisan. I listened to podcasts. The 2016 election was a defining moment in my political ideology. It was not about the candidates, I recognized that a lot of what we are fed in the mainstream media is one sided and I started looking for independent journalists. I flipped into voting Republican. I was a disaffected Liberal because of the bank bailouts, Iraq, the war in Afghanistan and the anti-war platform that Trump ran on.*

**Where did you first find out about the January 6th rally?**

*Donald Trump tweeted “Stop the Steal”, Ali Alexander, CJ Pearson and Periscope by Twitter. I went to the Georgia Capitol the week after the election. Georgians for Trump.*

**When you left the rally to march to the capitol, what did you think was going to happen?**

*I got to the hotel and walked to the ellipse. When I was leaving, my intention was to listen to another speech at the capitol. I had gotten text messages. I got a text that there was a planned speech. There were supposed to be two speeches at the capitol. One from an Arizona legislator*

*and one from Women for Trump. I thought Alex Jones would be there and Trump. I saw secret service cars that I now know were carrying Pence. On the way I was walking with someone talking about architecture in DC. I got there and there was no stage. I got there - on the West side and I'm standing there and there were altercations happening. I still thought there was going to be a speech. There's always a couple of assholes at a rally. I was told to stay behind the line. I never tried to go past the line.*

**When you got possession of the baton, why did you hit the policeman?**

*The baton was on the ground. I grabbed it and was aiming for the pepper spray can that was in his hand. I was not trying to hit him. I had gotten spray in my one eye earlier and didn't want that to happen again.*

**Why did you go in the tunnel? Most people would go the other way when they realized people were coming out of the tunnel bloodied.**

*In that moment, I thought I was going to watch a speech, there was no speech. That fueled my anger. It became a lot harder to make good decisions. I couldn't do a cost benefit analysis in the moment. Later on the terrace, I went into the tunnel. I saw people bloody, beat up, it was curiosity. Someone mentioned that a girl got shot. They used the term executed. I wanted to go into the tunnel to see what else was happening.*

**Did someone yell at you and tell you to go into the tunnel? Did they encourage you?**

*I got people pushed into me. I was disoriented. I was following the officers orders. They never told me to leave. If there had been an announcement before I became disoriented, I would have left. I needed to tell them this is wrong. There was a very small group of people who had been planning on making the situation worse. I didn't understand why people were being treated that way. I didn't know about what was going on, on the other side of the capitol.*

**You mentioned you were trying to protect a female protestor. Who was this woman who got knocked down in front of you?**

*I don't know*

**Did you know her?**

*No*

**Had you seen her before?**

*No*

**Did she report the incident to the police?**

*She may or may not have. There's a video of me. I'm saying something like "You need to pull this guy out, why is he still here? I want to fight him one on one." I was upset about the treatment of protestors.*

**Did the group congratulate you on social media or thank you through tweets, emails, posts after the incident?**

*No.*

**Prior to the incident, how many hours per week would you say you spent researching political websites?**

*15-20 hours per week. Does that include podcasts that I listened to too? Including podcasts, probably 30-40 hours per week. I was thirsty for news that wasn't being censored. I listened to Tim Pool, Disaffected Liberal, Dave Reuben- I met Dave Reuben when he was on tour. I was reading pundits, Gateway, the Federalist, Zero hedge, and Gray Zone. I was reading them for balance. They were willing to cover things that were more taboo.*

**What were your online interests besides politics?**

*Sports, concerts, this was all gone because of COVID. My life became more narrowly focused.*

**Were you ever involved in a militia?**

*No*

**Before January 6, 2021, had you ever gone to any in person gatherings?**

*I went to a rally in Georgia in November 2020, it was calm, people were praying. I went to a DC rally in November 2020, people gave speeches, it was calm. I went to another rally in Valdosta in Mid december 2020.*

**Did you think the President's actions were correct? Telling people to go to the Capitol?**

*I have disdain for him for leaving us hanging. If he knew there was no security, no activity, why would he send upset people? There was nothing to hold their attention. His actions were inconceivable. He created a lot of problems and he didn't even go. The most underreported part of this is that there was supposed to be a speech at the Capitol.*

**Would you do it again?**

*No. Not knowing what I know now. No way. You saw the cost/benefit. If William had been there I wouldn't have had to drive all night and been so sleep deprived. That impacted my decision making. We would have stopped each other. We are each other's checks and balances. We would have talked each other out of it.*



## Considerations for the Court

### Vulnerability to Online Recruitment

In his seminal work, Abraham Maslow (1954) identified the sense of belonging as foundational to mental health and well-being. In contrast, Leo Kanner, identified social impairments as a defining characteristic of autism (1943). People like Devlyn who have autism may have low levels of social interest which is exacerbated by social anxiety, differences in the quality of social skills and a history of unsuccessful social interactions. This may explain, in part, the reason many people with autism, including Devlyn, find their community online. A study by Mazurek (2013) found that people with ASD spend more time online than pursuing any other leisure activity. While they were able to form friendships through online communities it was real world friendships that resulted in self-reported feelings of loneliness and isolation. The internet may become a safe, albeit unreliable, place to engage in social interactions, learn about relationships and form world views. It is becoming increasingly apparent that this online searching is bi-directional, meaning that as people are looking at the internet, the internet is looking back. Some organizations are using the internet as a recruitment tool to find foot soldiers to promote their agendas. Discord and Chan boards (i.e. 4chan, Endchan, 8chan, now going by the name 8kun) are ostensibly set up so people can post memes or chat about video games. They are also unregulated, anonymous online forums that have become a recruitment site for alt right groups including, incels, white supremacists and Neo Nazis. The typical chan site visitor is male, between the ages of 18-34, with an interest in Anime, video games and technology (Gonzales, 2019). While this demographic might describe many young people in the twenty-first century, it most certainly reflects the interests of many people who are autistic. Crime statistics published by the Federal Bureau of Investigation in 2017 showed a 17% rise in the increase of hate crimes in the United States. Many of the last mass shooters in the U.S. and abroad (Walmart- El Paso, Texas, Synagogue shooting, San Diego, CA and Mosque shooting, New Zealand, Plymouth shooter in England) were all linked to alt-right groups found on 8Chan and the shooters posted their intentions or boasted of their deeds on this website (Schroeder, 2019). Countless hours visually consuming such hyperbolic vitriol may have a profound impact on neurodivergent viewers. Many of these groups espouse faulty logic streams and promote inaccurate statistics casting themselves in the role of victim, and their agenda as a “heroic struggle.” (Katz, 2006). People with autism often have difficulties with syllogistic reasoning, or drawing conclusions based on the rules of logic and may be more susceptible than they realize to this inflammatory rhetoric. Devlyn saw himself as a “patriot” and even called for more fresh bodies during the attack on the Capitol. With few groups outside of the virtual world to which they claim membership these online groups may provide a sense of belonging and identity to an often alienated segment of the population. These websites use sophisticated algorithms in their recruitment, as viewers watch content and participate in chats, just as Devlyn did, they are exposed to advertisements promoting the agenda of these groups, lured by the promise of friendship, jobs, meaning, connection. The longer they watch, the longer the exposure to the message. Per the algorithm, the advertisements increase in degrees of ideological extremism the

longer the viewer watches (Schroeder, 2019). From a behavior analytic perspective this is an example of shaping. Shaping is used to add new behaviors to a person's repertoire. Successive approximations of the target behavior, or goal, are reinforced (Cooper, Heron, & Heward, 2007). Being recruited after repeated exposures to the views/actions would be the desired outcome or target goal of the groups hosting the platform. As the person is on these websites, for longer periods of time they may be granted access to additional content. It's ironic that Devlyn, with his interest in algorithms, was unable to recognize the algorithms used to pull him further towards a particular political ideology. The comments section on these websites are often a platform for conspiracy theorists, those spouting discriminatory venom and those looking for their next dupe. Former white supremacist Christian Picciolini has described how groups are specifically targeting "autism chat rooms" (Picciolini, 2017) Picciolini's own descent into a Neo Nazi group occurred when he was recruited by a member who preyed upon his longing for purpose and community in his life while capitalizing on the anger, frustration and marginalization that he had experienced. The majority of people with ASD (92%) have experienced bullying at some time in their lives (Little, 2002), are victims of non-fatal crimes at three times the rate as their neurotypical counterparts (Harrell, 2014 and have the highest rate of repeated victimization when compared with other disability categories (Blake et al., 2012). This victimization at the hands of others, adds additional layers of vulnerability to a lure that promises belonging and a sense of purpose.

### **The Incarceration of People on the Autism Spectrum**

In general, prison is a very ineffective consequence for offending behaviors committed by people with ASD (Apel & Diller, 2017). Punishment is a consequence that occurs after a problem behavior occurs, with the intent of reducing the likelihood that the problem behavior will occur again in the future. People with ASD who are incarcerated are exposed to what has been referred to as a "criminal apprenticeship" which may make them more criminally savvy (Durose, Cooper, & Snyder, 2014). Moreover, people with ASD are vulnerable to developing cognitive distortions that, in the absence of appropriate peer models, could serve to justify their offending behavior. Paradoxically, prison culture may increase the likelihood of recidivism because of the social acceptance of offending behavior within prisons (Megens & Weerman, 2012). During his interview Devlyn mentioned one "friend" he had made while living in Georgia. A friend he had seen in a bar a few times and thus, determined that this passing level of familiarity made him a friend. Due to his social naivete and suggestibility, Devlyn may leave a prison setting even *more* indoctrinated towards maladaptive world views.

An alternate scenario is equally problematic for Devlyn. People without autism who enter prison typically quickly affiliate themselves with people who share similar characteristics and beliefs. In other words, they seek and join a group that offers belonging and protection. Given his profound social challenges, Devlyn does not know to do this, nor would he have the skill set to join a group. Thus, like most people with ASD, Devlyn would become an "unaffiliated

prisoner.” As such he would be extremely vulnerable to becoming the target of verbal, physical and sexual assault by all groups.

**Conclusion:**

Devlyn Thompson is a person with autism, who has marked deficits in socialization, executive functioning, and self-regulation relative to his overall level of intelligence. Following his eventual release from incarceration, he would be a candidate for the Cognitive Behavioral Approach (CBA) to risk management with an autism focus. CBA reflects the principles of self-management and self-determination. The individual must have a desire to change their behavior and engage in goal setting. They must be able to identify, and to the extent possible avoid, triggers for problem behavior (i.e. many of the websites and podcasts that Devlyn listed as his deep interests). When difficult or impossible to avoid (i.e. the internet) the individual must develop new adaptive responses to old triggers. Working with their team, the individual is responsible for recognizing treatment drift and monitoring their own progress. Devlyn will need to be taught to identify reliable triggers (someone disagreeing with him, violation of expectations- what he thought was supposed to happen), and how to respond to those triggers. He will need to be taught self-regulation strategies and how to identify when his body is getting escalated towards an aggressive outburst. He will need to specifically work on his cognitive flexibility, perspective taking and executive functioning challenges, which combined, contributed to his illegal activity.

Signature Page

Laurie Sperry

**10.3.21**

---

Laurie Sperry, Ph.D., BCBA-D (1-13-12858)

---

**10.3.21**

MSc Forensic Psychology/Criminal Investigation