

Autistic man sentenced to prison in UK for Internet “trolling”

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Sean Duffy, 25, from Reading in England, was sentenced to jail for the maximum sentence of 18 weeks in prison and banned from using social networking sites for five years under Section 127 of the Malicious Communications Act of 2003. In the first conviction of its kind, Duffy was jailed for “trolling”, posting abusive and offensive material online. He is facing further charges in Scotland.

Duffy posted messages on Facebook memorial pages and YouTube. He posted comments and set up offensive pages about Natasha McBryde, who committed suicide at age 15, 14-year old Lauren Drew who died during an epileptic fit, and other teenagers killed in accidents. The posts were vile and extremely hurtful. But Duffy’s sentence took no account of the fact that he has a long history of mental health issues.

The case has serious implications for freedom of speech. The prosecution of “trolls” exploits reactions to their often tasteless comments to justify further legal control. The vulnerability of some of those arrested makes them convenient legal bugbears for escalating measures to control Internet use and curtail online privacy.

Colm Coss was convicted last year of posting obscene messages on Facebook tribute sites. Coss’s defence pointed to a history of mental health problems, but magistrates decided no further psychiatric assessment was necessary. Instead, the presiding judge deliberately overruled guidelines for a 12 week sentence. He was finally sentenced to 18 weeks.

Some of the activity prosecuted to date has been attempted satirical comment on the character of online memorial pages and tributes. Such prosecutions widen the net to other forms of online expression, including successful satires that may have influenced some of the clumsier comments. Sean Duffy’s father John, is a comedy writer who produced a popular Twitter satire parodying the celebrity Cheryl Cole.

Many of those prosecuted have been vulnerable or ill. In 2005 Christopher Pierson was jailed for six months for sending emails informing people that holidaying relatives had been killed by the Asian tsunami. The court heard that Pierson had experienced a breakdown under the pressure of

caring for his seriously ill diabetic son. He was also caring for his mother, who had cancer, and his father, who had suffered a stroke. His aunt had recently been diagnosed with Alzheimer’s disease, and an uncle had just died. This all came on top of 13 years of suffering after the stillbirth of his first child in 1991.

Sean Duffy was diagnosed with Asperger Syndrome at the age of five. The court also heard that he has had problems with alcohol, and had recently seen the onset of Tourette’s and possible borderline schizophrenia. John Duffy said of the sentencing, “Sean is a mentally ill person and he is in the wrong place at the moment”.

Sean’s online behaviour was predictable, and points to a failure of social support and care. Two years ago he was cautioned by police for posting cruel messages online. His family attempted to get him medical help at Prospect Park Hospital. Sean also attempted to get himself admitted for help. He was assessed by medical staff, but not deemed a priority. His family say they have struggled to get support from Berkshire social services.

John Duffy apologized unreservedly for the distress Sean’s posts had caused. “What he did was terrible and must have been awful for the families of the people concerned, and we would send our heartfelt, unreserved apologies for any hurt this has caused them 100 percent unequivocally.

“What Sean did was wrong and nothing changes that, nothing makes it defensible, nothing makes it easier for the families or changes our heartfelt sorrow at the misery they were caused. The other side is, Sean ... needs to be in some kind of intense psychiatric unit where they can get to the bottom of what has made him do this and make sure he gets cured of it”.

Asperger Syndrome is a disorder on the autism spectrum. It is characterized by social interaction and communication difficulties, along with repetitive behavioural patterns. According to the National Autistic Society, people with the syndrome “find it more difficult to communicate and interact with others which can lead to high levels of anxiety

and confusion”.

One symptom known along the autism/Asperger spectrum is an attempt to shock so as to hide an inability to understand the world. A recent article by charity Autism UK Independent suggests that this inability fuels such behaviour: “Being outrageous helps to overcome this problem, because other people, when they are very emotionally aroused, emit more and more obvious clues about what they are feeling. And the fact that you have predictably elicited strong feeling in someone else may be more rewarding than the fact that the feeling is hostile or distressing”.

Unlike many conditions on the autism spectrum, Asperger Syndrome shows relative preservation of linguistic and cognitive development. There is no single treatment, and management is largely dependent on behavioural therapy. This points to a social catastrophe in the making, as autism charities have been amongst those threatened by government cuts. Autism campaigner Ivan Corea warned that scrapping the Disability Living Allowance would drive “even more parents, carers and the autism community deeper into poverty. It will undermine autonomy and independence”.

Recent legal moves have pointed both to the appeal of online communities for those with the Syndrome, and their criminalization. In June this year 19-year old Ryan Cleary was arrested over involvement in the LulzSec computer hacking group and setting up a denial of service attack on the Serious Organised Crime Agency (SOCA). Cleary’s lawyer said his client suffered from Asperger Syndrome and agoraphobia, and these medical conditions “make it hard for Cleary to interact with others”. Although Cleary has hosted one of their chatrooms, LulzSec deny that he is part of their group.

Cleary was arrested under a joint operation with the FBI. Another autistic hacker, Gary McKinnon, is currently facing extradition to the US on charges of hacking the Pentagon’s computer systems while looking for information on UFOs. McKinnon’s legal team deny he had any malicious intent, but say his actions were “a direct result of following the obsessional interest which drives him”.

Miranda’s son has Asperger Syndrome. She spoke to to the *World Socialist Web Site* about her experiences. He demonstrates “obsessive behaviour when it comes to computer games”, but is able to communicate with friends via the Internet. Here, however, “his social skills can be offensive”. His friends had to be told about this, and advised “how to react to his behaviour”.

Miranda’s son has been fortunate to attend a school which offers help with his social skills and advises him on how to deal with social interaction. This is not a universal experience, because of the difficulties involved in obtaining social provision. Sean Duffy had struggled to fit into peer

groups at his schools in Berkshire despite specialist support units.

Miranda described the difficulties facing parents after Asperger Syndrome is diagnosed. “Often parents are put off by the diagnosis, the lengthy process of achieving a statement then the search for a school: for most this takes on average about two to four years. For us it took a year with the loss of my job and a year of home-schooling him”. She said this was a frightening prospect for many parents.

Miranda also pointed to the highly stressful “bureaucratic walls” parents face during the diagnosis period. There is already a lack of places or schools providing adequate individual support. “The lack of transitional support in education from mainstream school to specialized school, and now cuts to be made in disability allowances, only makes it even harder”. The National Autistic Society has found that almost half of all children with autism wait for more than a year for appropriate educational support.

Because autism and Asperger Syndrome are a spectrum, Miranda questioned whether all symptoms were always identified during diagnosis. Around 300,000 people in Britain are diagnosed as suffering from Asperger Syndrome, but there are fears that many people have slipped through the net and do not receive the psychological support they need, like Sean Duffy.

Such situations are likely to worsen. In May this year some 8,000 disabled people, families and friends marched past Parliament to protest against cuts in disability benefits. This has gone hand in hand with a propaganda campaign presenting recipients of disability benefits as healthy scroungers. Attitudes towards disabled people have deteriorated over the last year. A recent survey found that 58 percent of disabled people thought others did not believe they were disabled. Half of disabled people feel others presume they are not working.

The impact can be seen in the lack of support Sean Duffy received for a known problem, and the resultant distress caused to the families of the dead teenagers. As John Duffy told local press, “The difficulty is there probably are people that need more help and there is not enough money to go round. What we now have is a young man in prison and a lot of people out there have been hurt and scarred.”



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