

FASD and the Criminal Justice System

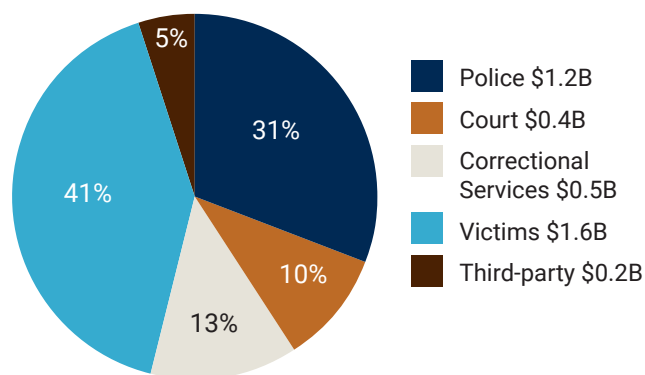
The total costs of Fetal Alcohol Spectrum Disorder in Canada is \$9.7 billion a year, of which Criminal Justice System (CJS) accounts for 40% - about \$3.9 billion dollars annually in sectors for:

- police
- court
- correctional services,
- victims
- and third-party.¹

The number of people with FASD in the CJS ranges from 10-15% but it can be as high as 23.3% for youth in custody.²

Most of the reasons for this high cost is because persons with FASD require lifelong assistance, and many have not been supported due to:

- No assessment or diagnosis. If there is a diagnosis, many people do not understand FASD. Many people impacted by FASD do not know this is an underlying issue.
- Lack of understanding and awareness among professionals in the CJS sector. (See [ConnectFASD Factsheet for Professionals Working with FASD – ALARMERS](#))



The absence of services can mean that a person impacted by FASD can experience:

- Challenges with memory, rules, and controlling emotions, which can lead to high-risk behaviors.
- Coping with trauma with substances that may be addictive and can affect decision making.

When encountering an issue with the law, a person with FASD may have the following challenges:³

- Linking their own actions to consequences, especially if the legal system takes time.
- May not understand their own rights, and may go along with suggestions that are not in their best interest.
- May think it is best to say yes to authority figures like police or lawyers to try to be cooperative, without realizing what they are agreeing to.
- May not fully understand legal terms if they are not explained.
- May have trouble with remembering, and be easily swayed, so it looks like they are not truthful, when they are actually confused. Decisions can be swayed by wanting a sense of belonging.⁴

These things can help:

1. Keep questions simple and concrete. If possible, add visuals instead of words for difficult concepts.
2. Use the same words that the person with FASD is using.

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3. Take breaks between processes/questions. Use a lot of repetition to ensure new concepts are understood.
4. Understand that silence may not be refusal but confusion.
5. Be aware of sensory challenges. Turning off the lights or sirens, being aware of body language and understand that many individuals may have challenges with non-verbal cues
6. Avoid figures of speech and do not suggest possible scenarios. The person with FASD may accept your suggestions just to be agreeable.
7. Let them tell their story and LISTEN. Be patient. If they are afraid, they may have trouble recalling.
8. Consider contacting a guardian or support person to ensure rights are understood and protected.
9. Ensure Crown Attorney and others involved are aware of diagnosis or possible need of assessment

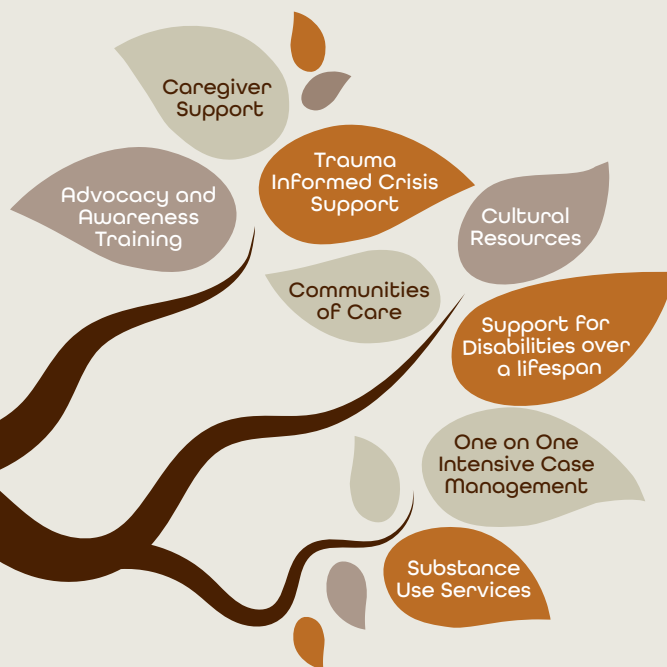


Talk to us at ConnectFASD for more information about our support programs and services.

connectfasd.ca

866 601 3273 (FASD)

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FOR FURTHER READING:

1. Calgary Fetal Alcohol Network. (2016). Best & Emerging Practices for Individuals and Families affected by FASD throughout the Lifespan. Best & Emerging Practices for Individuals and Families affected by FASD throughout the Lifespan.
2. Get Real AB. (2021). Challenges of FASD. [Challenges of FASD – Let's Get Real Alberta \(getrealab.ca\)](http://getrealab.ca)
3. Kodituwakku P. W. (2009). Neurocognitive profile in children with fetal alcohol spectrum disorders. *Developmental disabilities research reviews*, 15(3), 218–224. <https://doi.org/10.1002/ddrr.73>
4. Medalia, A. & Revheim, N. (2002). Dealing with cognitive dysfunction associated with psychiatric disabilities: A handbook for families and friends of individuals with psychiatric disorders. Albany, NY: New York State Office of Mental Health.