



FASD: What the Justice System Should Know

Fetal Alcohol Spectrum Disorders (FASDs) are a group of diagnosable medical conditions that can occur in a person who was exposed to alcohol before birth. Effects are lifelong and can include mental health conditions, learning disabilities, sensory issues, and physical manifestations such as heart defects, hearing and visual impairments, and more.



Talking about Justice?

The Justice System can help people diagnosed with FASD or who may have an FASD by:

- Educating judges, lawyers and parole officers about the characteristics and behaviors of persons diagnosed with FASD
- Establishing screening, analysis, and treatment procedures for those diagnosed with FASD who enter the juvenile justice or adult criminal justice system
- Establishing/utilizing alternative sentencing programs for persons diagnosed with FASD who have committed non-violent offenses; and
- Offering referral information for the children of incarcerated people who may have been prenatally exposed to alcohol.

People diagnosed with or who may have an FASD may encounter problems when dealing with police including:

- Being persuaded to take responsibility for crimes committed by others to win the favor of companions or to please the police
- Consenting to searches of themselves or their possessions in circumstances in which non-disabled individuals would not
- Panicking during encounters with the police, running away or resisting arrest
- Saying that they understand their legal rights when they do not
- Making potentially incriminating statements or "lying" about misconduct due to confabulation.

Give FASD a Seat at the Table

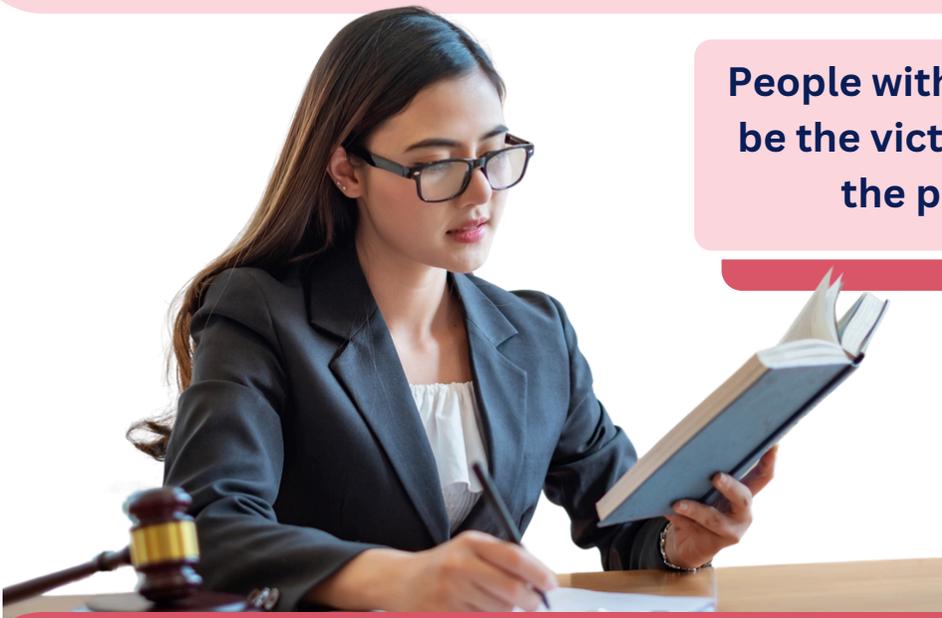


The challenges experienced by individuals with an FASD may lead to increased risk for a range of adverse outcomes when unsupported, including involvement in the criminal justice system.

- 61% of adolescents and 58% of adults with FASD have been in legal trouble.
- 35% of those with FASD over the age of 12 had been incarcerated at some point in their lives.

People with FASD are often likely to be the victims of crime rather than the perpetrators of one.

(Fast, 2009).



People with an FASD often function at a level younger than their chronological age. Executive functioning may also be uneven across domains, with high abilities in some areas but not others.

Social psychological vulnerability may be a challenge for people with an FASD due to their inability to understand manipulative ploys and suggestions.

Other factors that may place persons with FASD at risk for involvement with the criminal justice system include:

- Difficulties in impulse control
- Intellectual deficits
- Poor judgment skills
- A history of abuse and/or neglect.

