

Accommodating People with FASD

People with FASD have a permanent disability requiring accommodations. Consider these strategies

- Check the individual's understanding of what they are asked. Their understanding is often half their age even if they use a wide vocabulary.
- Consider their sensory needs and the environment they are in and make accommodations.
- Keep questioning short
- Provide movement breaks to reduce overwhelm and confusion under pressure.
- Questions should be short and concrete using basic language.
- They can be black and white thinkers and struggle to understand subtleties.
- Verify the person's story with a responsible person.
- Confabulation and misunderstandings are not uncommon.
- They can be agreeable and seeking to please so be careful of leading questions. Many have made false admissions to protect their mates or because they thought that is what a police officer wanted to hear.
- If they seem calm and unemotional don't assume that what you see is indifference - they may not understand the full impact of what has happened.
- Prepare the person repeatedly for court.
- Provide one direction or rule at a time.
- Establish a mentor system.
- Develop and utilise diversion programs.
- Use reminders and phone prompts for appointments.
- Use visuals and/or role play for understanding.
- Use simple wording on release forms and probation orders.
- Be consistent in probation / parole follow up.
- Every day at the same time is best for appointments.
- Utilise support persons and advocates with knowledge of neurodiversity.

(Dubovsky, 2008)

Considerations

Arrest - Understand the impact of sensory issues and how they may respond. They are naïve and may sign forms they do not understand or take responsibility for the crimes of others to please.

Sentencing - Some may respond well to the structure and rules of prison while others are vulnerable to attack and exploitation. Some do not understand prison rules and may be punished for failing to follow directions.

Probation - They may struggle with managing time, recalling appointments, and making plans. Alternatives - Supported housing, treatment centres, or electronic monitoring at home may be more effective.

Alternatives - Other alternatives such as supervised living, help with money management, life skills education, drug and alcohol treatment, family support, ensuring medical care, and the involvement of an advocate can be very effective and even prevent further criminal activity.

Further Support and Resources

Download free resources:

www.fasdnetwork.org

Justice specific resources:

<https://fasdjustice.ca/>

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**Foetal Alcohol
Spectrum Disorder
and Justice**

Foetal Alcohol Spectrum Disorder and Justice

What is FASD?

FASD is a term used to describe the permanent impacts on the brain and body of individuals prenatally exposed to alcohol, resulting in a spectrum of physical, neurological, emotional, and behavioural characteristics.

Alcohol Harm

Alcohol is a poison and a teratogen which can permanently harm the brain and body. There is no known safe level of alcohol consumption. Social drinking can cause harm. The greater the level of alcohol, the greater the risk. Good contraception and planned pregnancies with no alcohol consumed removes the risk of FASD.

Alcohol causes more damage to the developing foetus than any other substance, including heroin, marijuana, and cocaine (Institute of Medicine, 1996).

Prevalence

International prevalence rates are often between 2-5% of the population. The UK awaits a national prevalence study, but from an initial pilot, it proposed a rate of 3-4%. More than 80% of children with FASD have previously experienced care or have been adopted.

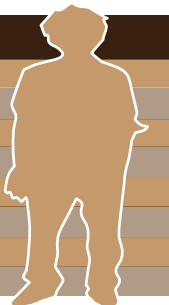
Overlapping Diagnoses

Symptoms can overlap with other conditions such as autism, ADHD, ODD, bi-polar, attachment disorder, personality disorder, etc. Without the correct diagnosis, secondary disabilities may be more prevalent.

FASD is a leading cause of non-genetic learning disability in the UK. (BMA, 2007).

Typical FASD Profile

CHRONOLOGICAL AGE - 18
VERBAL ABILITY - 20
READING ABILITY - 16
LIVING SKILLS - 11
MONEY & TIME ABILITY - 8
SOCIAL SKILLS - 7
EMOTIONAL MATURITY - 6
COMPREHENSION - 6



What are the Signs and Symptoms?

There are many signs and symptoms seen in those with alcohol exposure. Key impairments may include:

- **Attention issues or hyperactivity**
- **Learning difficulties**
- **Impulse control**
- **Speech and language**
- **Behavioural regulation**
- **Social skills**
- **Emotional regulation**
- **Developmental maturity**
- **Memory and recall**
- **Abstract concepts**
- **Executive functioning**
- **Sensory processing**
- **Sleep quality**
- **Inconsistent performance**
- **Sense of self**
- **Birth defects**
- **Risk-taking behaviour**

Secondary Impacts

These impacts occur through lack of early diagnosis and appropriate lifelong support. Studies suggest people with FASD may go on to experience:

- **Mental health issues**
- **Disrupted school experiences**
- **Justice services engagement**
- **Drug/alcohol issues**
- **Difficulties living independently**
- **Difficulties with employment**

Vulnerability & Exploitation

Many people with FASD are vulnerable and easily exploited even if they pass a mental capacity assessment. Typical freedoms can put them at risk so consideration needs to be given to how much supervision and support they need for safety. Social media needs clear guidance. Sexually appropriate behaviour needs to be explicitly understood to prevent offences or exploitation occurring.

Correlation of FASD and the Law

People with FASD have permanent brain damage that may result in issues related to criminal activity.

Individuals may show:

- Lack of impulse control and trouble linking future consequences of current behaviour
- Difficulty planning, empathising, connecting cause & effect, taking responsibility, making good judgments, or delaying gratification.
- Tendency toward explosive episodes.
- Vulnerability to peer pressure (e.g. may commit a crime to please their friends or via exploitation or coercion).
- They may touch people inappropriately and think they are just being friendly.
- They may take or damage things that do not belong to them. They may not comprehend ownership.
- Females may be involved with destructive men for food, shelter, attention, or drugs.

Issues for the Justice System

Issues that exist for people with FASD:

Competency to stand trial - They may not understand the charges, find criminal proceedings confusing, have problems with time management, and come to court late.

Validity of expert testimony regarding diagnosis – Expertise is not common. What happens if FASD is suspected but maternal prenatal alcohol use is unknown?

Diminished capacity - Did they understand right and wrong and understand the likely outcome at the time of the act.

Intent - Some crimes require evidence of intent for the person to be found guilty. Lawyers may argue those with FASD cannot form the intent as they cannot foresee the outcome.

Ability to testify - They are highly suggestible and may not give an accurate testimony or may make false confessions

Recidivism - They often repeat crimes such as shoplifting for example - "I want. I take".