

When Fetal Alcohol Spectrum Disorder and the Criminal Justice System Collide

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Secondary Disabilities Study

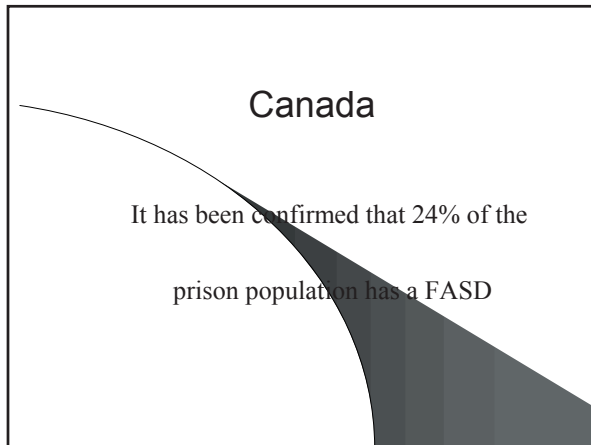
Trouble with the Law

- Six to eleven year olds 14%
- Adolescents 61%
- Twenty years and older 58%

When FASD and the Criminal Justice System Collide (WBC)

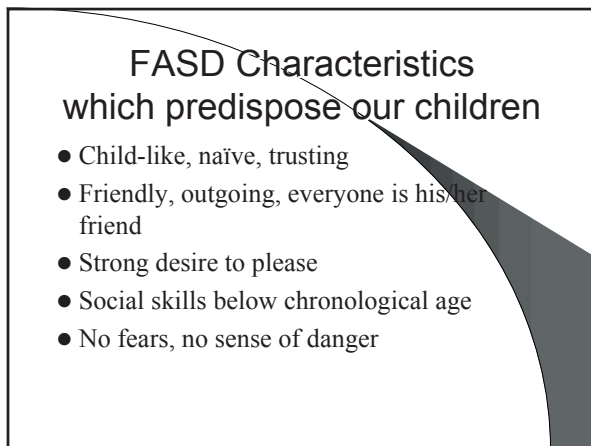
Canada

It has been confirmed that 24% of the prison population has a FASD



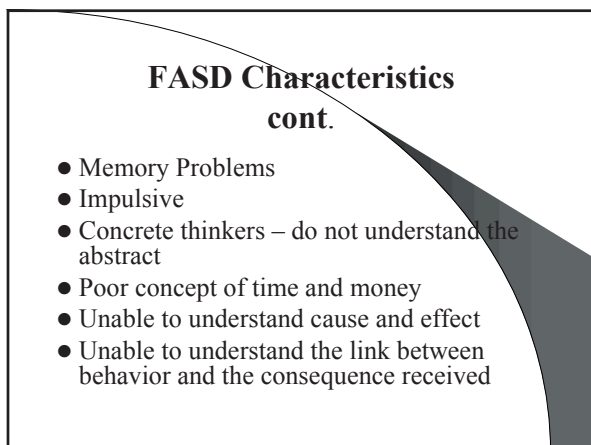
FASD Characteristics which predispose our children

- Child-like, naïve, trusting
- Friendly, outgoing, everyone is his/her friend
- Strong desire to please
- Social skills below chronological age
- No fears, no sense of danger



FASD Characteristics cont.

- Memory Problems
- Impulsive
- Concrete thinkers – do not understand the abstract
- Poor concept of time and money
- Unable to understand cause and effect
- Unable to understand the link between behavior and the consequence received



True Stories

- Helping a friend move a TV at 2:00 am, no lights on
- Loved keys, the clicking of the safe, opened the safe but took Nothing. Lifetime prison sentence for safe cracking
- Car warming up in driveway, drives it around the corner. Gets on bus, leaves note book with name on it on the seat of the car

Prevention – Is It Possible?

- Early diagnosis
- Determination of cognitive, social, and developmental levels
- Adjustment of expectations, responsibilities
- Some responsibilities and privileges may not be granted at an age appropriate time

Think Younger when considering Privileges, Responsibilities and Supervision

- An 18 year old with an FASD
- May talk like a 20 year old
- Look like an 18 year old
- Read like a 16 year old
- Comprehend like a 6 year old
- Have the social skills of a 7 year old
- Have the emotional maturity of a 6 year old

When FASD and the Criminal Justice System Collide (WBG)

Danger Zones

- Internet
- Dating
- Driving
- Babysitting
- Managing money
- Release of Information

When Prevention Has Failed

- As a victim of a crime or one being accused
DO NOT TALK TO THE POLICE
- As a parent or group home caregiver,
DO NOT TALK TO THE POLICE
- You **MUST** have an attorney present

Cards for your Wallet

- My name is _____
- If stopped by the police, please call
Lawyer _____
Support Person _____
- I have a disability. It is **Fetal Alcohol Syndrome**
or a another Fetal Alcohol Spectrum Disorder
- I cannot talk to you, unless a lawyer is present.
- I need a lawyer. Thank you

No Attorney?

- BEFORE you have any problems, consult with a disabilities and/or criminal defense attorney.
- Pose this question, "If my son or daughter were to call you, from jail, would you be willing to intervene in our child's behalf; would you tell the police to refrain from questioning this child or adult until an attorney is present?"

Don't List

- Parent must not answer questions without an attorney present
- Son or daughter must not answer questions without an attorney present
- Do not talk in the attorney's place OR attempt to be an advocate for your child even if you know a lot about FASD, you do not know enough about the legal system.

Do List

- Educate your attorney and the judge
Short concise articles with important points, highlighted
Video –
- Obtain an attorney who is willing to listen and learn about FASD and cares about your son or daughter
- Letters of support to attorney and judge
- Presence in court of professionals, family and friends supportive of your child

When FASD and the Criminal Justice System Collide (WBG)

Common Criminal Justice Offences

- Taking something that does not belong to them
- Inappropriate sexual encounters

FASD and Ownership

- FASD = concrete thinking
- Ownership is an abstract concept
- FASD concept of ownership – someone has it in their hand, their pocket or is with it, if it is a larger item

FASD and Ownership cont.

- Bicycle sitting outside a house
- Car with engine running in the driveway
- “I found it”

Unable to Understand Monetary Value

- Will give things away
- Will sell car worth \$1,000. for \$40.00

Not A Successful Criminal

- Unable to plan or organize a crime
- Very impulsive
- Actions are not well thought out
- No clue as to the consequences of their actions

News Accounts

- Bank robber who wrote the note to the teller on the back of his deposit slip
- Another bank robber who left his check book on the counter
- Another was dragging an ATM machine behind his car. When stopped, said it was a refrigerator

Sexual Offenses

- Inappropriate touching
 - May be chronologically older, but cognitively the same or younger than a playmate. Maybe 3 or 4 years developmentally and touch a playmate.
 - May have experienced inappropriate sexual touching and are now repeating the act

Sex with a Minor

- Children with an FASD feel more comfortable with younger children
- As they get older this continues, and they tend to have younger girl friends
- Even if the younger girl friend orchestrated the sexual encounter, the older one will be charged, often goes to prison and is placed on the sex offender list, 25 years

What Can We Do Differently?

- Questions from the Bench
- Screen every child entering juvenile detention for an FASD
- What Would You Do Differently If You Truly Believed the Probationer has an FASD?
- General Provisions of Probation with specific CONCRETE wording

Ten persons are Needed to Support One person with an FASD

- Less costly than prison and more humane
- An individual with an FASD has a lifetime sentence before he is born, through no action or choice of his own.
- We must do everything we can to prevent a second sentence.
- We must provide

EQUAL JUSTICE for ALL
