

National Organization on Fetal Alcohol Syndrome

Educating the public, professionals, and policymakers about alcohol use during pregnancy



FASD

- What the Justice System Should
- Know About Affected Individuals

What is FASD?

FASD is an umbrella term describing the range of effects that can occur in an individual prenatally exposed to alcohol. These effects may include physical, mental, behavioral, and/or learning disabilities with lifelong implications. These individuals have a strong tendency to get into legal trouble- **35%** of individuals with FASD have been in jail or prison at some point.

(SAMHSA 2007)

Over **60%** of people with FAS over 12 have been charged with a crime

55% of people with ARND will be confined to a prison, psychiatric institution, or drug/alcohol treatment center

95% of people with FAS also have a mental illness

(American Bar Association 2012; SAMHSA 2007)

The Justice System can help FASD-affected individuals by:

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

Individuals with Fetal Alcohol Spectrum Disorders, FASD, have trouble with assessment, judgment, and reasoning. Many will never socially mature beyond the level of a 6 year old. This makes it more difficult for them to make “smart” long-term goals, and makes them **vulnerable to manipulation and coercion** into false confessions. Many individuals also suffer from **poor memory, misunderstanding cause and effect**, and an **inability to understand and interpret concepts**. These behavioral impairments make people with FASD more likely to get into trouble with the law.

People with FASD often repeat the same mistakes multiple times due to their disabilities.

It is important to identify these individuals and support them to improve functioning in society rather than forcing rehabilitation. Visit fasdcenter.samhsa.gov for more information.



Signs and Symptoms of FASD Relevant to the Justice System

Primary Disability	Secondary Disability	Possible Reason for Behavior
Memory problems	Lying	Making things up to fill in the blanks
Failure to understand ownership	Stealing	Attempt to buy friends
Little understanding of value of objects	Destructive behavior	Anger and frustration
Slow cognitive or auditory pace	Defiance	Avoidance as a result of frequent failure, inability to process instructions

(SAMHSA 2007)

For more information, visit NOFAS online!

