

FASD: What the Justice System Should Know



FASD United
Justice Center

FASD is not rare, impacting 1 in 20 Americans.

1 in 7 pregnancies are alcohol exposed

FASD is a disability that can occur with alcohol exposure during pregnancy, including prior to recognition of pregnancy. Although binge drinking creates a higher risk, any alcohol use during pregnancy can be problematic.

The Justice System can help to prevent Fetal Alcohol Spectrum Disorders (FASD) among the incarcerated population by offering educational workshops on FASD and substance use treatment for inmates.

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

Social psychological vulnerability may be an issue with 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; and
- A history of abuse and/or neglect.

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 more sophisticated 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 in fact they do not; and
- Making potentially incriminating statements about how serious any misconduct may have been.

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.



FASD United
THE NATIONAL VOICE ON FETAL ALCOHOL SPECTRUM DISORDERS
Formerly NOFAS

1200 Eton Ct NW, 3rd Floor
Washington, DC 20007
www.FASDUnited.org

