

# Pathways to Justice™: Get the Facts

## FETAL ALCOHOL SPECTRUM DISORDERS (FASDs)



### Facts

Fetal Alcohol Spectrum Disorders (FASDs) are a spectrum of conditions that can occur to a fetus when a mother drinks alcohol while she is pregnant. It is life-long condition with no cure. FASDs affect an estimated 40,000 infants each year.<sup>1</sup> FASDs include fetal alcohol syndrome (FAS), partial FAS (pFAS), alcohol-related neurodevelopmental disorder (ARND), and alcohol-related birth defects (ARBD).<sup>2</sup> FASDs often lead to problems with adaptive functioning—conceptual, practical, and social skills.

FASDs lead to:

- Abnormal facial features (may or may not be present—are not present in people with ARND)
- Brain damage (including central nervous system abnormalities)
- Hyperactivity and behavior problems, including explosive episodes;
- Lack of impulse control and difficulty with judgement and reasoning
- Vulnerability to peer pressure
- Repeating mistakes multiple times due to disabilities<sup>3</sup>

### Criminal Justice Involvement

- FASD is a high-risk hidden disability in the criminal justice system because the associated behaviors are often assumed to be a choice, rather than related to brain damage
- 35% of individuals with FASD have served time in jail or prison<sup>4</sup>
- 60% of people with FASD have a history of trouble with the law<sup>5</sup>
- 60% of adolescents with FASD experienced school disruptions<sup>6</sup>
- The average age at which children with FASD begin having trouble with the law is 12 years old<sup>7</sup>
- People with FASD are susceptible to false confessions and may not understand the consequences of their actions when taking a plea or testifying
- People with FASD experience higher rates of recidivism

### Identification

Most individuals with FASD have IQs in the normal range. They have good expressive language skills, but poor comprehension. They can read, but have trouble writing. They seem to have insights and understanding, but actually have problems with abstract concepts



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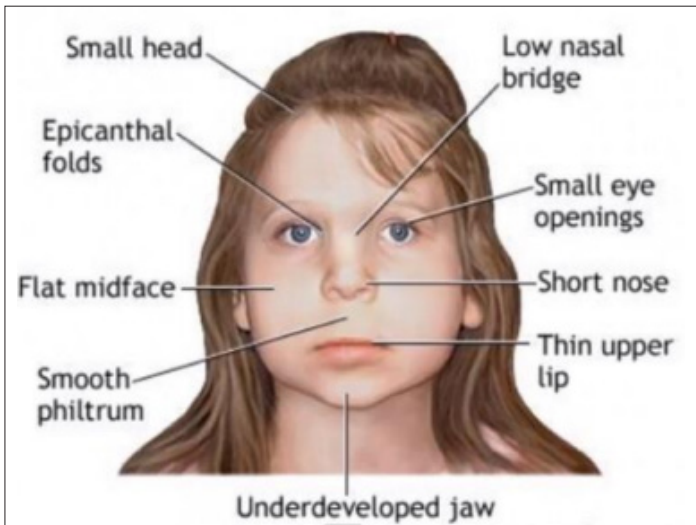
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# Fetal Alcohol Spectrum Disorders (FASDs) Fact Sheet



## Facial Features<sup>8</sup>

like time and money. Their ability to function in life is well below their IQ. Their emotional level of development is well below their chronological age. They may appear to be smarter than they actually are, and tend to be naïve and gullible.<sup>9</sup>

## Communication Tips

- Explain facts in simple, concrete terms, which may need to be repeated (no sarcasm, figurative language, or abstract terms)
- Provide assistance in carrying out instructions given by the court/judge/officer
- Repeat often—memory loss is a problem for people with FASD
- There may be issues meeting probation requirements
- Be aware of limitations in decision making, planning, and prioritizing

## Individual Story

A teen with FASD was arrested at school under the new anti-terrorism law for answering a question on a test. The extra credit question was, “What would you

like to change about the school?” His answer was, “Blow it up.” He was taken to jail immediately. This is a boy whom the school district knows has FASD. The principal told the mother that he has 3 A’s on his report card, so he must know right from wrong.<sup>10</sup>

## Remember

People with FASDs may have IQs in the normal range, but the brain damage they experience heavily influences their decision making ability and behavior, which creates higher risk for becoming involved in the criminal justice system. It is important to consider their high risk of victimization due to emotional immaturity and social naivety and provide the appropriate protections as needed.

## Resources

### National Organization on Fetal Alcohol Spectrum Disorder

[www.nofas.org/criminal-justice](http://www.nofas.org/criminal-justice)

### Washington State FASD Legal Issues Resource Center

[depts.washington.edu/fasdwa/Legal.htm](http://depts.washington.edu/fasdwa/Legal.htm)

<sup>1</sup> (SAMHSA, 2003) ([http://www.nofas.org/wp-content/uploads/2014/08/Fact-sheet-what-everyone-should-know\\_old\\_chart-new-chart1.pdf](http://www.nofas.org/wp-content/uploads/2014/08/Fact-sheet-what-everyone-should-know_old_chart-new-chart1.pdf))

<sup>2</sup> [http://www.niaaa.nih.gov/sites/default/files/ARNDConferenceConsensusState-mentBooklet\\_Complete.pdf](http://www.niaaa.nih.gov/sites/default/files/ARNDConferenceConsensusState-mentBooklet_Complete.pdf)

<sup>3</sup> [http://fasdcenter.samhsa.gov/documents/WYNK\\_Criminal\\_Justice5.pdf](http://fasdcenter.samhsa.gov/documents/WYNK_Criminal_Justice5.pdf)

<sup>4</sup> (SAMHSA 2007) (<http://www.nofas.org/wp-content/uploads/2014/05/Facts-for-justice-system.pdf>)

<sup>5</sup> (Streissguth, A.P.; Bookstein, F.L.; Barr, H.M.; et al. 2004. Risk factors for adverse life outcomes in fetal alcohol syndrome and fetal alcohol effects. *Journal of Developmental and Behavioral Pediatrics* 25(4):228-238)

<sup>6</sup> (Streissguth, A.P.; Bookstein, F.L.; Barr, H.M.; et al. 2004. Risk factors for adverse life outcomes in fetal alcohol syndrome and fetal alcohol effects. *Journal of Developmental and Behavioral Pediatrics* 25(4):228-238)

<sup>7</sup> (Natalie Novick Brown, Anthony P. Wartnik, Paul D. Connor, and Richard S. Adler, A Proposed Model Standard for Forensic Assessment of Fetal Alcohol Spectrum Disorders, 38 *J. OF PSYCH. & L.* 383, 384 (2010). See more at: <http://www.nofas.org/2014/05/fasd-and-the-criminal-justice-system/#sthash.xDbijulz.dpuf>.

<sup>8</sup> <http://www.nofas.org/wp-content/uploads/2014/05/FASD-identification.pdf>

<sup>9</sup> (Teresa Kellerman, Fact Sheet for Law Enforcement, no date). See: <http://www.come-over.to/FAS/Court/>

<sup>10</sup> <http://www.come-over.to/FAS/Court/>

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