

TRC CALLS TO ACTION: FASD & PRACTICAL SKILLS TRAINING

PRESENTED BY:

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FETAL ALCOHOL SPECTRUM DISORDER

- FASD is a recognised and diagnosed disability:
- FASD is often referred to as an "invisible disability"
- FASD is presents a number of challenges for individuals and families:
 - “**FASD** is a lifelong disability. Individuals with **FASD** will experience some degree of challenges in their daily living, and need support with motor skills, physical health, learning, memory, attention, communication, emotional regulation, and social skills to reach their full potential” (<https://canfasd.ca/topics/basic-information/>)

AREAS COMMONLY IMPACTED BY FASD

- Executive Functioning (example: planning, recall, cause and consequence)
- Communication (example: verbal and written might not match)
- Neuromotor (example: balance, coordination)

BROADER CONTEXTS SURROUNDING FASD

- Stigma
- Racism
- Trauma
- Ableism and misunderstanding can lead to punitive measures



WHAT IS THE CONNECTION BETWEEN FASD & THE JUSTICE SYSTEM?

- Many individuals with minor incidents can have sustained engagement (CFS and breaches)
- Over-representation of individuals with FASD in the CJS (victim, witness, offender)
- Over-representation of Indigenous individuals in the CJS
 - **TAKEN TOGETHER:** Social justice concerns about over-representation of Indigenous individuals with FASD in the system
 - Needs better met in the community
 - Increased likelihood of victimization while in custody
 - FASD as SODH issue not a justice issue

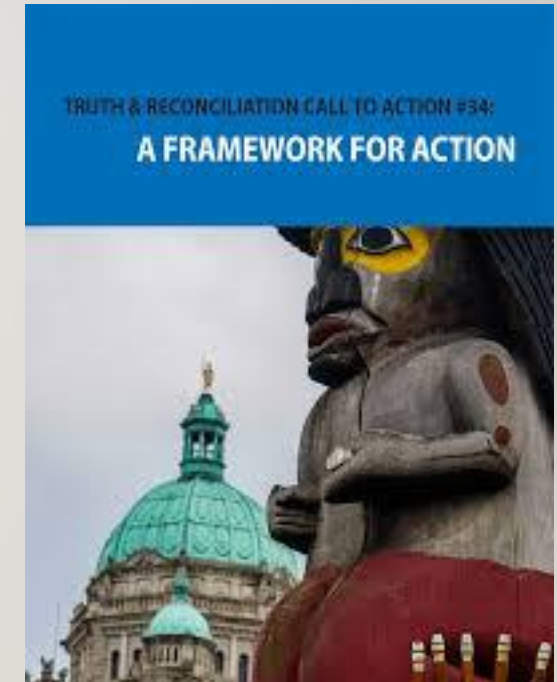
FASD AND TRC CALLS TO ACTION: TRC CALL TO ACTION #34

- We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:
 - i. Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD.
 - ii. Enacting statutory exemptions from mandatory minimum sentences of imprisonment for offenders affected by FASD.
 - iii. Providing community, correctional, and parole resources to maximize the ability of people with FASD to live in the community.
 - iv. Adopting appropriate evaluation mechanisms to measure the effectiveness of such programs and ensure community safety.

Read all Calls to Action: http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf

RESPONSE TO THE TRC CALLS TO ACTION

- There has been limited response in some areas but resources are available to assist
- There are 17 action items in the area of CJS reform (TRC Call to Action 25-42)
- Justice (now Senator) Murray Sinclair has indicated “choose one and do something”
- The TRC CTA outline the need to address the over-representation of Indigenous peoples and those with complex needs like FASD in the CJS
- Resources are available including Framework for Action on CTA 34



HOW COULD FASD AFFECT A PERSON IN CJS?

- Sensory profile presents challenges during arrest and custody (example physical touch could be huge issue so consider arrest and cuffs; consider court rooms and lights etc.)
- Executive Function (presents challenges to receive or give strong instruction throughout court process; recall items like conditions)
- Reading Social Cues can lead to misunderstandings about appropriate and inappropriate behaviours
- Invisible disability can make some people vulnerable as they don't "appear" to have a disability

PRACTICAL SKILLS

- Environmental Considerations
- Verbal Communication
- Written Communication

ENVIRONMENTAL CONSIDERATIONS

- Sensory challenges:
 - Fluorescent lights are very challenging for people
 - Lower lights if possible
 - Remove clutter if possible or at least from an area where documents must be focused on
 - Lower background noises or try to limit additional sound (radio, other office sounds)
 - Quieter space can assist with focus
 - Fidgets or other types of items can assist with focus

VERBAL COMMUNICATION

- Slow down
- Avoid abstract language or metaphors
- Explain court and processes in plain language
- Ask individual to repeat important information back in their own words
- Offer step-by-step instructions

WRITTEN COMMUNICATION

- Charges and conditions should be explained further and in plain language
- Individuals can be visual learners, explore visual representation of ideas
- Give additional and ideally supported time to review legal documents
- Expect that some things that are written down might not be processed as expected

PROGRAMMING FOR CLIENTS WITH FASD

- Integrated Justice Team is now up and running in Regina:
 - Will work with clients that self-identify as having FASD and are Indigenous
 - Three year project in SK and YK
 - Will assist with keeping appointments, attending appointments, debriefing with clients and preparing them for court and assisting them to stay in community
 - Advocates working with you and adults
 - Hosting information sessions in Fall 2019 or contact:
 - allison.sp@fasdnetwork.ca
 - robyn.sp@fasdnetwork.ca

FURTHER INFORMATION OR TRAINING FOR LAWYERS

- FASD Network of Saskatchewan (frontline training available): <https://www.saskfasdnetwork.ca>
- Dr. Michelle Stewart: michelle.stewart@uregina.ca
- Great online legal resource: <https://fasdjustice.ca>
- FASD and Justice Issue Paper: <https://canfasd.ca/wp-content/uploads/sites/35/2018/08/FASD-Justice-Review-Issue-Paper-FINAL.pdf>
- TRC Call to Action #34 Framework for Action overview and embedded links: <http://theconversation.com/new-guide-kick-starts-reconciliation-in-the-justice-system-104532>

QUESTIONS?

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