

FASD & the pursuit of justice:

Reflections on research

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Valentina Viggiano, *Il Muro* (2020)



Perspectives

- Bridging abolitionist & disability justice theories
- What has been studied about the experiences of people with FASD in the criminal justice system?
 - What hasn't been studied?
- What does this tell us?
- Where do we go from here?



Scan of existing research

What does it tell us?

Existing research on FASD & the criminal justice system

More research

- Assessing prevalence
- Diagnosis
- Costs

Less research

- Lived experiences
- Alternatives to incarceration
- Diversion & restorative justice





Reaching out

What can we learn from other movements?

Prison abolition movement

- Prisoner movements
 - Hunger strikes
 - Writing projects & zines
- Harm reduction
- Investment in prevention & supports
- Connected to antiracism & decolonization



Disability justice movement

- Grassroots
- Centering lived experience
- De-institutionalization
- Manitoba has made many contributions
 - E.g. People First of Canada's Freedom Tour



The background image is a photograph of the Stony Mountain Institution, a large, multi-story brick building with a central dome and a Canadian flag flying in front. The sky is overcast and grey. The text 'Stony Mountain Institution study' is overlaid in white on the left side of the image. A solid orange horizontal bar is positioned below the text.

Stony Mountain Institution study

Stony Mountain study


- MacPherson, Chudley, & Grant, 2011
- 10% of inmates diagnosed with FASD – ARND or pFAS
- 16% couldn't rule out FASD
- 45% had another diagnosable CNS deficit impacting their daily life
- Study intended to be replicated & tried elsewhere





Since the SMI study

- Ivan Zinger, Correctional Investigator:
- Up to 80% of women in federal institutions meet diagnostic criteria for psychosocial disability (Zinger, 2018; Fritsch et al., 2022)
- Estimate 10-23% of inmates at federal institutions meet diagnostic criteria for FASD (Zinger, 2019; FASD Justice Canada)
- Recommended screening has not yet been implemented

The background of the slide is a photograph of a prison corridor. The walls and ceiling are made of white concrete blocks. The floor is a light-colored, polished surface. On the right side, there are black metal bars or grates. A person wearing a blue shirt and dark shorts is walking away from the camera towards the end of the corridor. A large, semi-transparent white circle is overlaid on the left side of the image, containing the title and bullet points.

Experiences in correctional institutions

- More likely to spend time in maximum security or segregation
 - (Zinger, 2018; FASD Justice Canada)
- More likely to experience, or be influenced to participate in, violence in custody
 - (FASD Justice Canada)
- Sometimes the first/only way to access structure, supports
 - (John Howard Society of Ontario, 2021)



How can we move
forward?



Restorative justice

- Evans & Bourgon, 2020: federal report, noting lack of literature on RJ & FASD in Canada
- Flannigan et al., 2021: study of RJ work in Alexis Nakota Sioux Nation's FASD Justice Program
- RJ is being undertaken successfully in Manitoba
 - Formally & informally



Restorative justice

- Adapting RJ to make it accessible to people with FASD may require re-imagination
 - Blagg, Tulich & May, 2019: article about RJ for Aboriginal youth in Australia
- Centering community & lived experience
- RJ cannot stand alone

Christi Belcourt, *Wisdom of the Universe*, 2014



#LEAVE NO ONE BEHIND

Strengthening social supports

- Many programs exist, but can be hard to access:
 - Separated – can't always work together
 - Different eligibility criteria
 - Funding challenges
- How can we make systems easier to access & navigate?



Looking to the future

- Documenting lived experiences & perspectives
- Investing in programming & social services
- Exploring restorative justice
- Working together & sharing knowledge


“If you have come here to help me, you are wasting my time.

But if you have come because your **liberation** is bound up with mine, then let us work together.”

Lilla Watson & the Aboriginal Activists' Group, Queensland

Monica Trinidad, *Abolition Now* (2015)

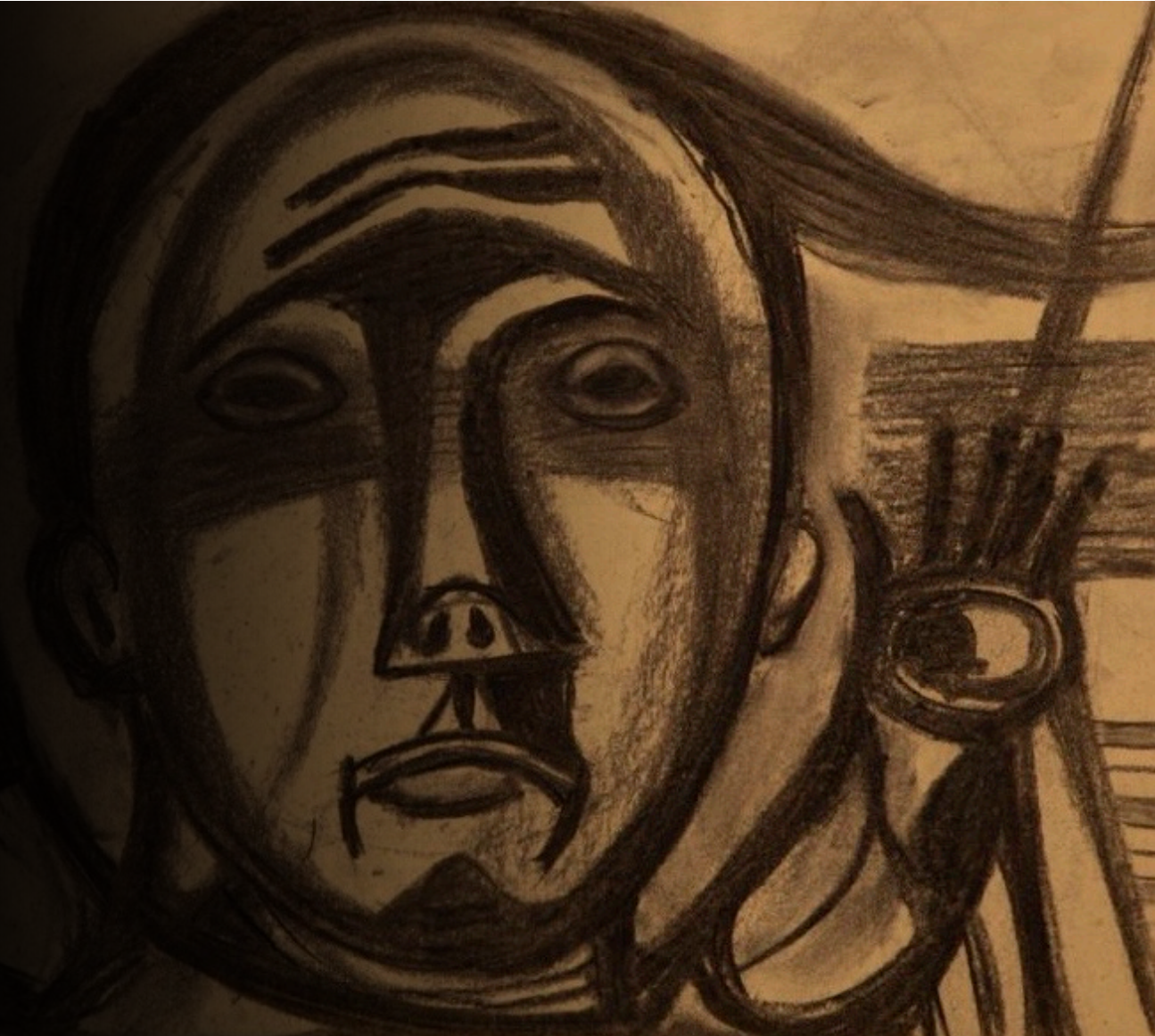




“Prisons do not
disappear social
problems, they
disappear **human
beings.**”

Angela Davis

Miné Okubo, *Untitled (Single Figure With Arms Raised)* (1942–44)



A black and white photograph of several birds, likely seagulls, in flight against a cloudy sky. The birds are captured in various stages of their wing strokes, with some showing their wings fully extended. The text "Thank you!" is centered over the image, underlined.

Thank you!

Resources

- FASD Justice Canada: <https://fasdjustice.ca/en-ca/>
- Harry Blagg, Tamara Tulich, & Suzie May. *Aboriginal youth with foetal alcohol spectrum disorder and enmeshment in the Australian justice system: can an intercultural form of restorative justice make a difference?* (2019, Contemporary Justice Review.) <https://doi.org/10.1080/10282580.2019.1612246>
- Jane Evans & Natacha Bourgon (Research & Statistics Division, Department of Justice Canada). *Exploring the Use of Restorative Justice Practices with Adult Offenders with Fetal Alcohol Spectrum Disorder*. (2020.)
- John Howard Society of Ontario. *Broken record: The continued criminalization of mental health issues*. (2021). <https://johnhoward.on.ca/wp-content/uploads/2021/01/Broken-Record.pdf>
- Katherine Flannigan et al. *Understanding the needs of justice-involved adults with fetal alcohol spectrum disorder in an Indigenous community*. (2021, Behavioural Science & Law)
- Kelly Fritsch, Jeffrey Monaghan, & Emily van der Meulen (Editors). *Disability Injustice: Confronting Criminalization in Canada*. (2022, UBC Press.)
- Liat Ben-Moshe. *Decarcerating Disability: Deinstitutionalization and Prison Abolition*. (2020.)
- Office of the Correctional Investigator of Canada, Ivan Zinger: <https://www.oci-bec.gc.ca/index-eng.aspx>
- Patricia MacPherson, Albert Chudley, & Brian Grant. *Fetal Alcohol Spectrum Disorder (FASD) in a correctional population: Prevalence, screening and characteristics*. (2011, Correctional Service of Canada).
- People First of Canada. *The Freedom Tour*. (2008). <https://www.peoplefirstofcanada.ca/the-freedom-tour/>