



FASD & the pursuit of justice:

Reflections on research

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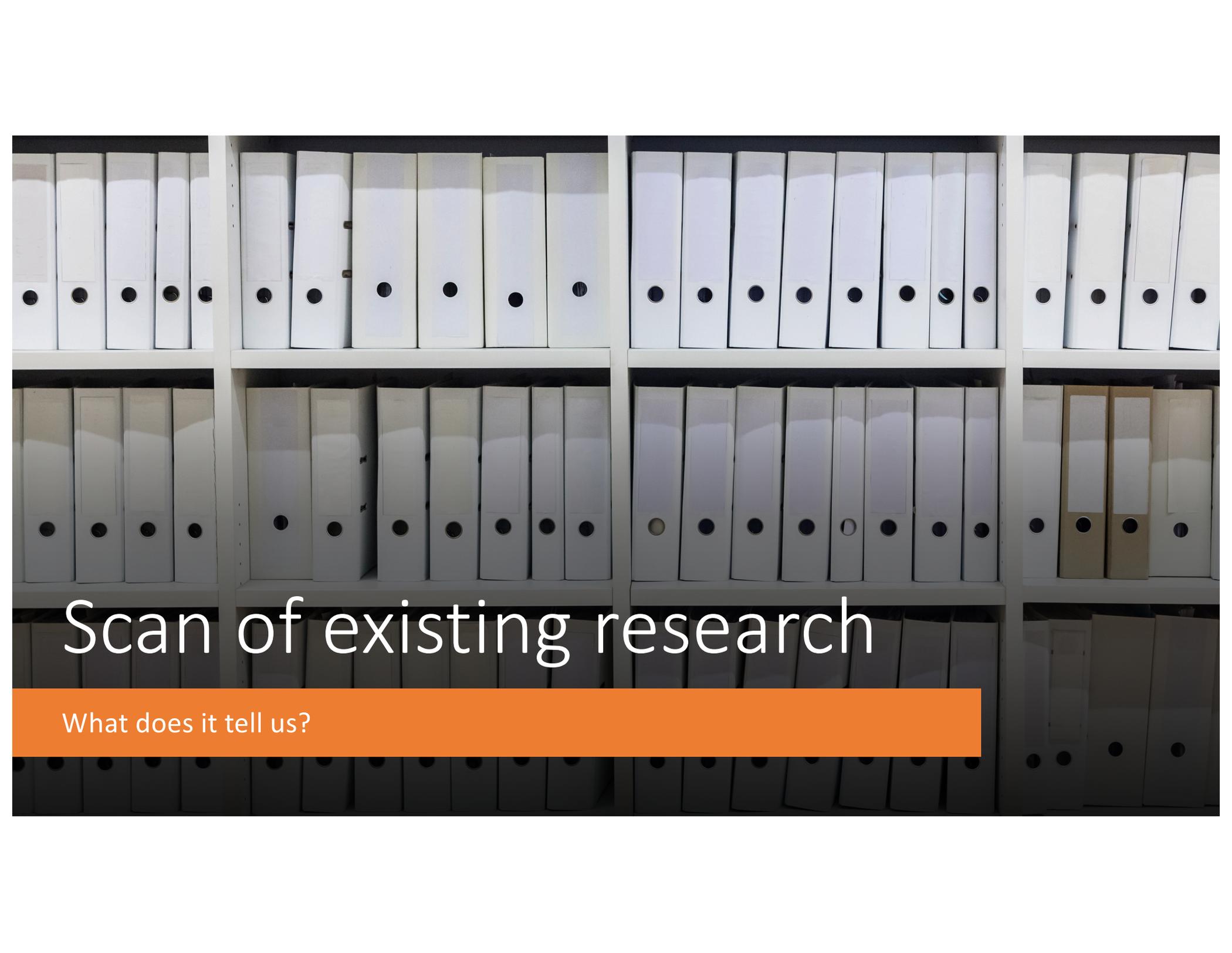
University of Manitoba

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

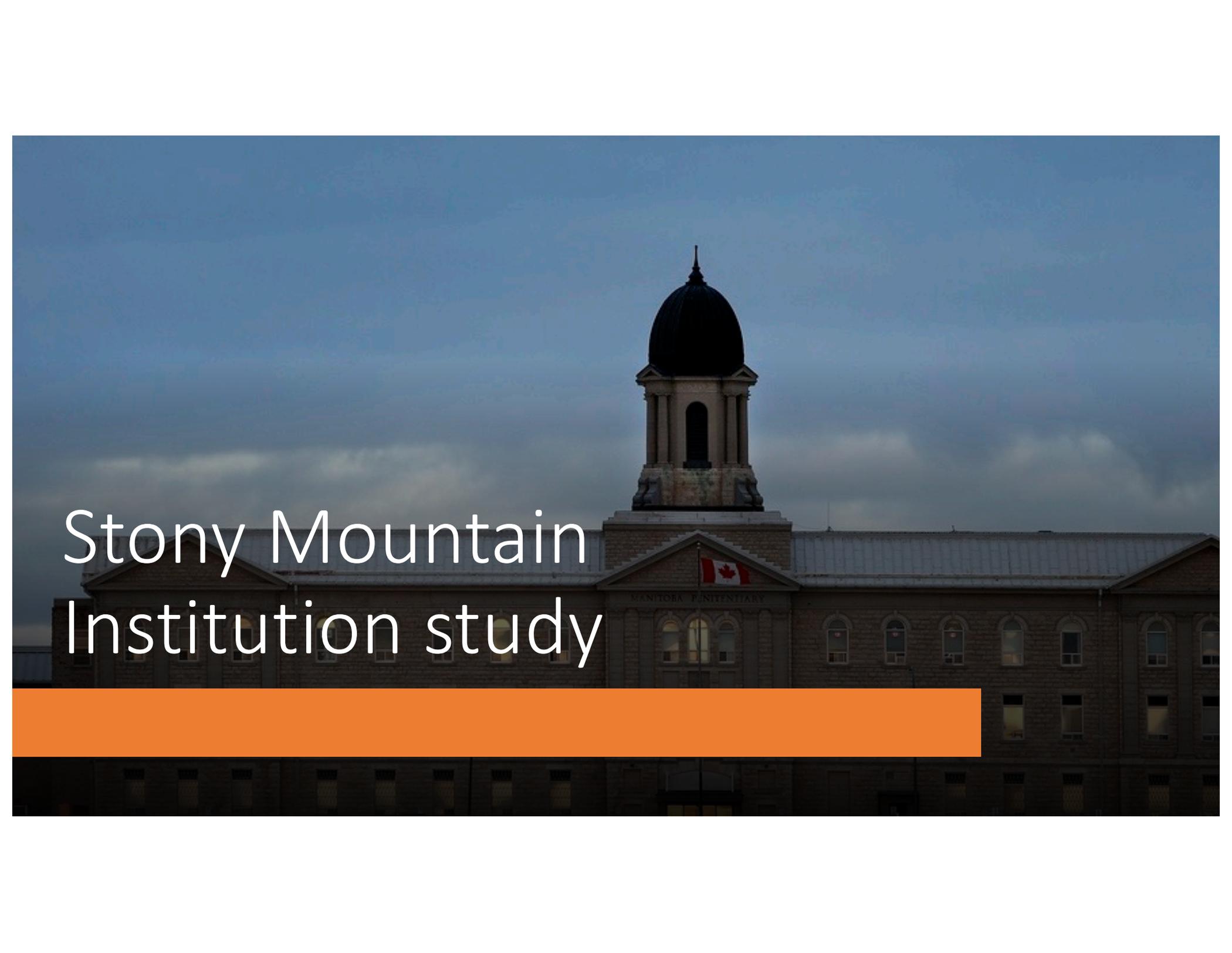


Disability justice movement

- Grassroots
- Centering lived experience
- De-institutionalization

- Manitoba has made many contributions
 - E.g. People First of Canada's Freedom Tour



The image shows the Stony Mountain Institution, a large, multi-story brick building with a prominent central dome. The building is illuminated from within, and a Canadian flag is visible on the facade. The sky is a deep blue, suggesting dusk or dawn. 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





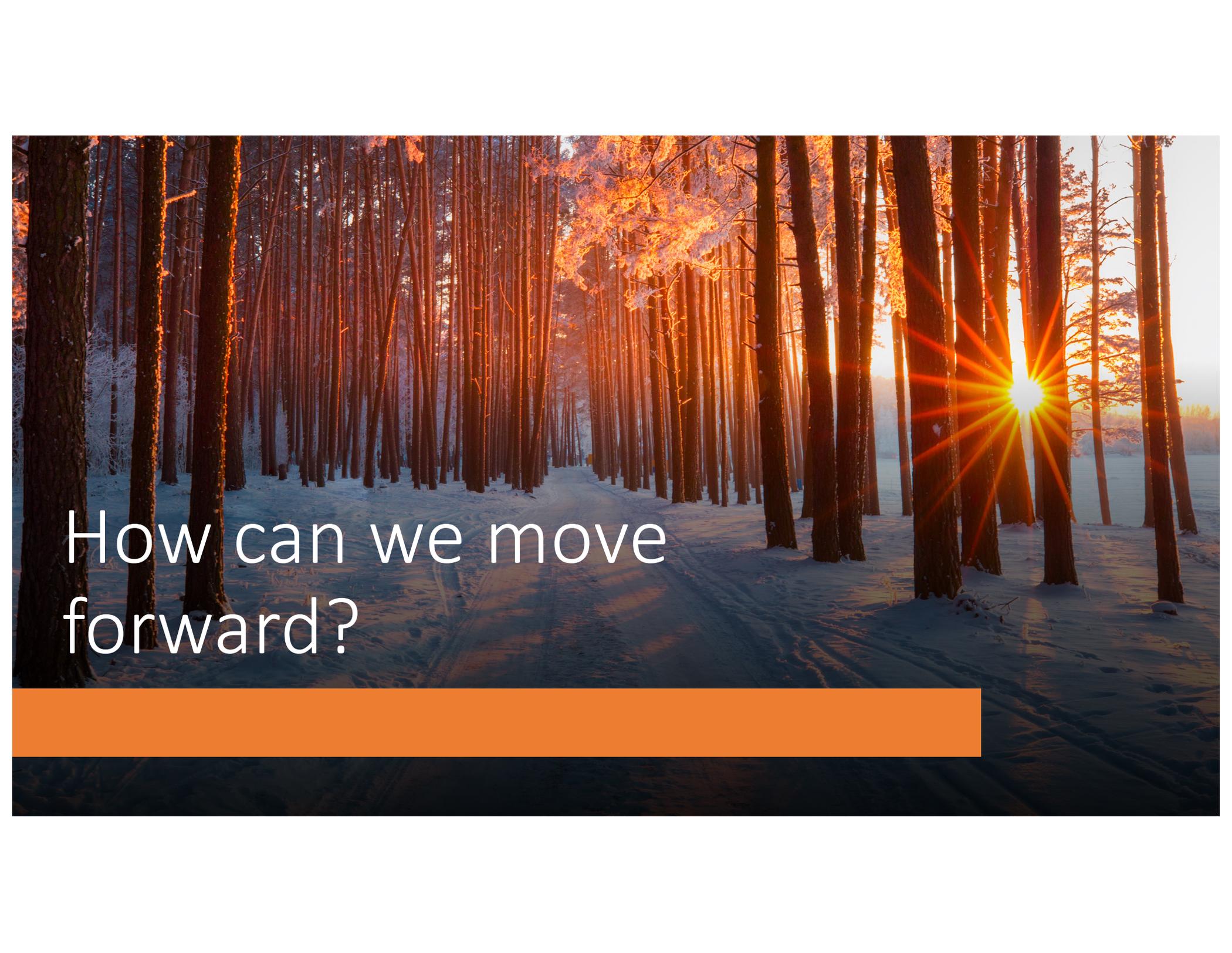
Since the SMI study

- 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

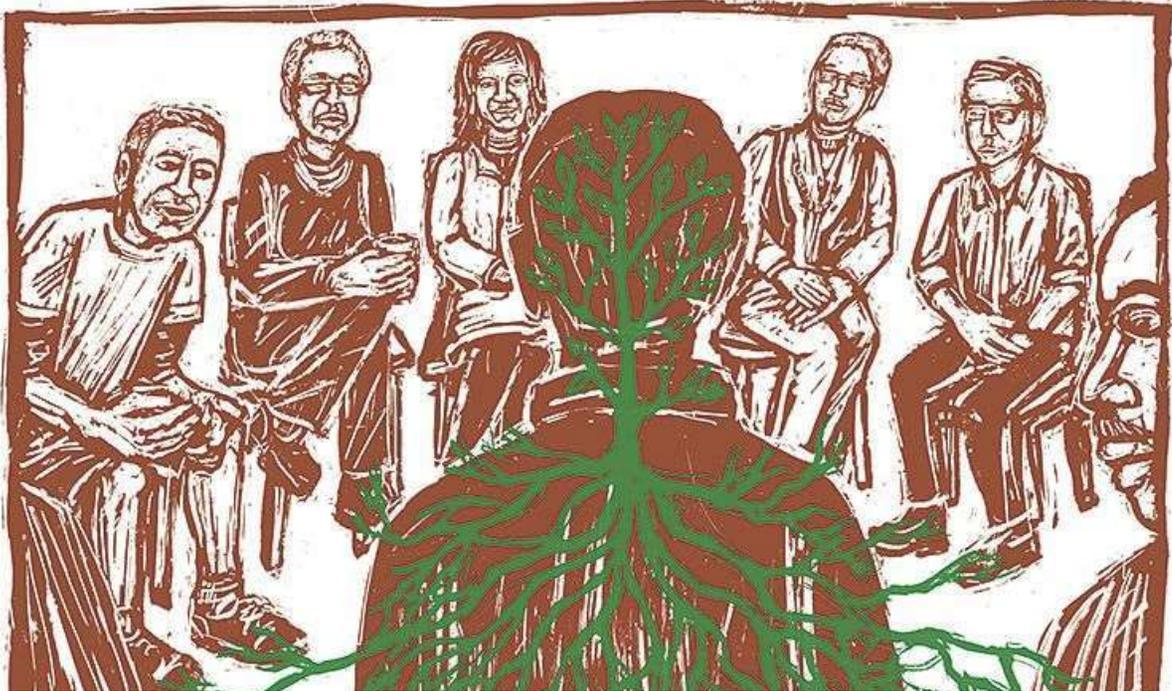


Experiences in correctional institutions

- 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)

A photograph of a winter forest. A path of snow leads through a dense stand of tall, thin trees. The sun is low on the horizon, creating a bright starburst effect and casting long, warm shadows. The trees are covered in snow, and the overall atmosphere is serene and hopeful.

How can we move
forward?



Restorative justice

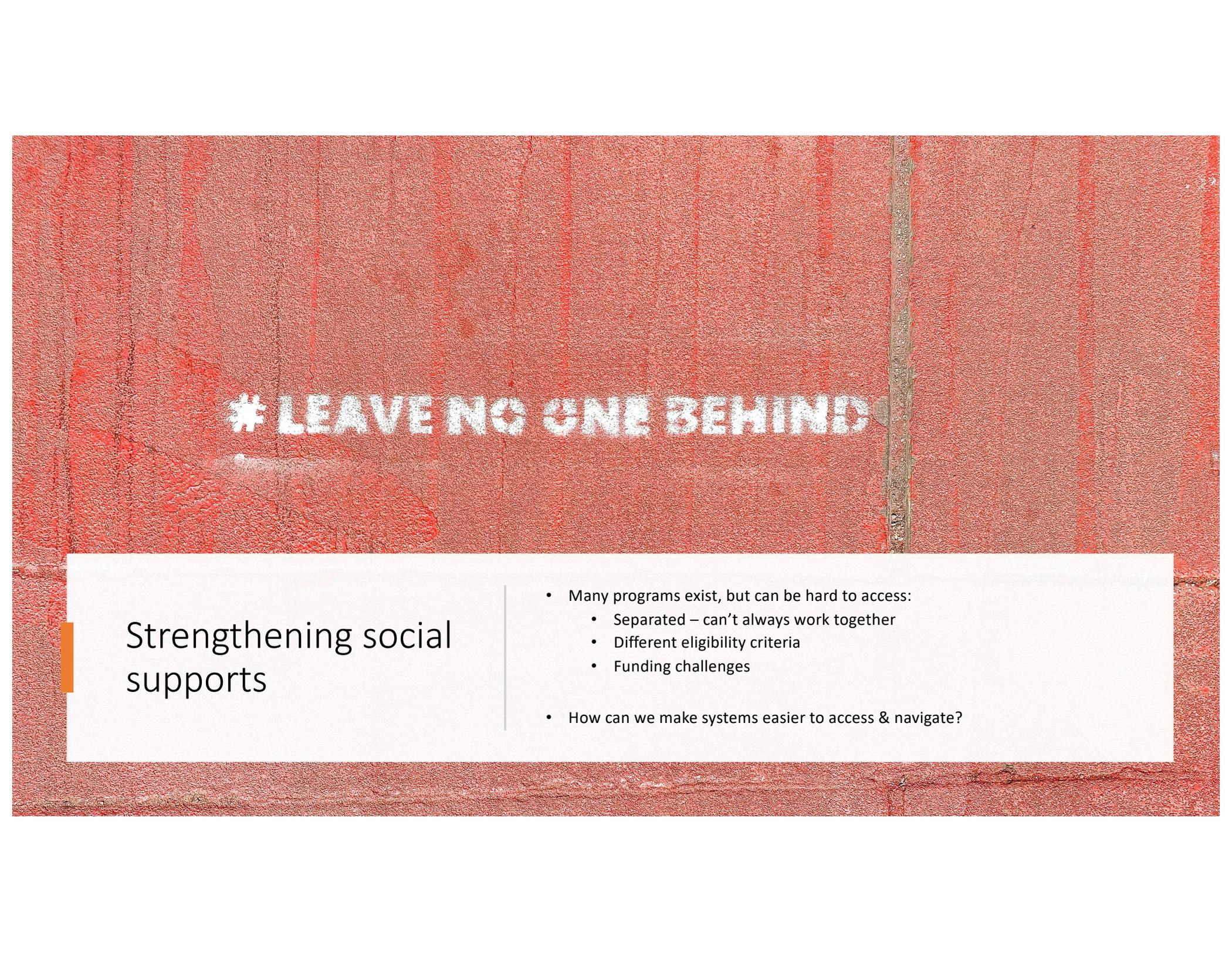
- Evans & Bourgon, 2020: federal report, noting lack of literature on RJ & FASD in Canada
- Flannigan et al., 2021: study of RJ work in Alexis Nakota Sioux Nation's FASD Justice Program
- RJ is being undertaken successfully in Manitoba
 - Formally & informally



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.”

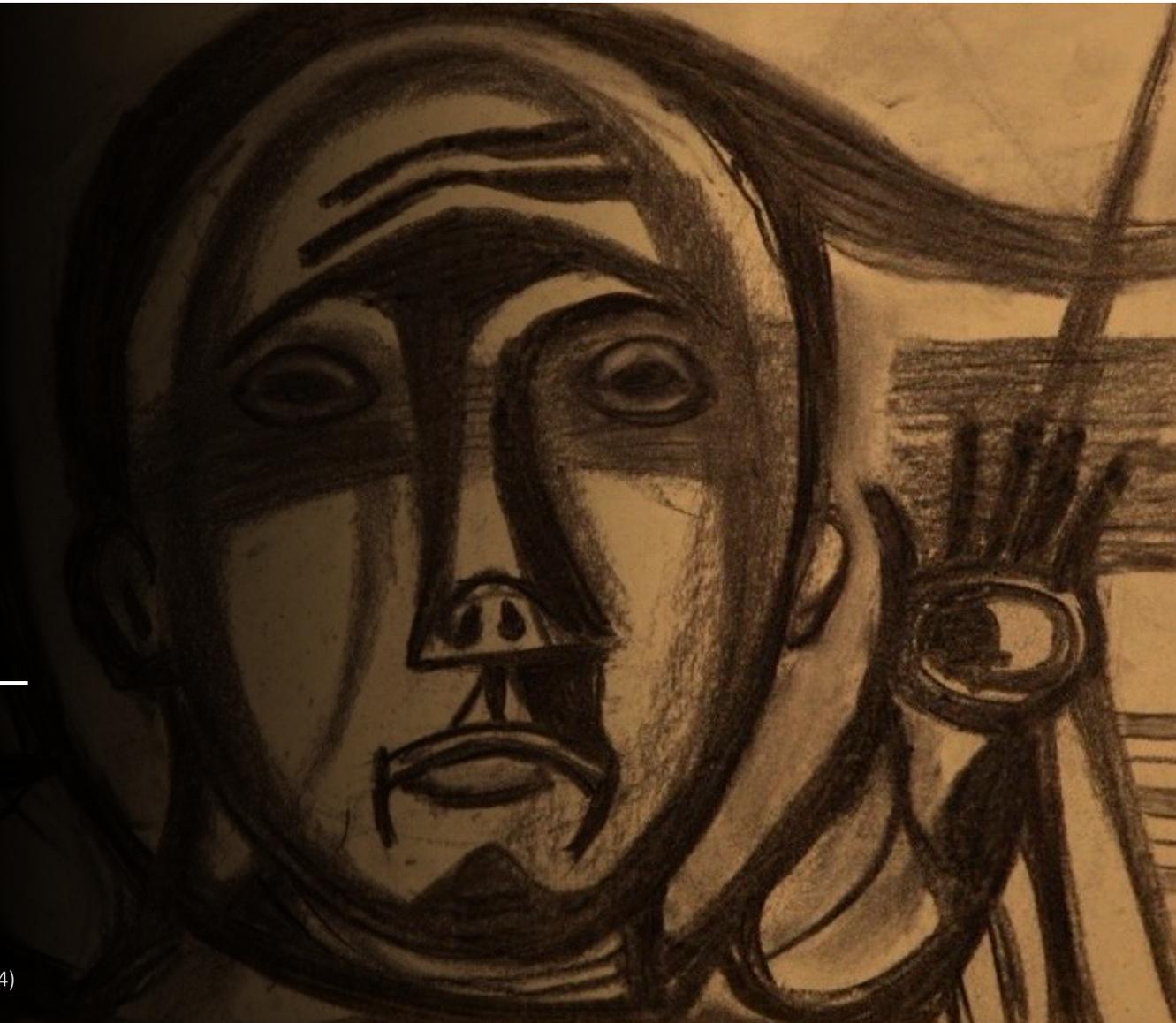
Lilla Watson & the Aboriginal Activists' Group, Queensland



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

Angela Davis

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





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/>