

More prisons won't help those with fetal alcohol spectrum disorder

Many repeat offenders suffer from FASD but better programs needed

BY GRAHAM THOMSON, EDMONTONJOURNAL.COM AUGUST 21, 2010



This doll was used as part of a program at the Canadian Institute of Child Health to illustrate the facial features seen in children with fetal alcohol syndrome.

Photograph by: Wayne Cuddington, The Ottawa Citizen, Postmedia News

A few days ago a teenage member of my extended family -- whom I'll call "Anna" -- gave birth to a daughter.

But nobody in my family is doing cartwheels over the news. In fact, Anna's mother wrote a letter to authorities explaining why Anna is not fit to raise a child and why the baby should be apprehended by children's services officials.

It's a painful letter to read and I can't imagine the heartache it must have been to write.

Anna is not a fit mother because she suffers from fetal alcohol spectrum disorder.

Anna's mother, who's a nurse, and her husband, who's a police officer, adopted Anna about a year after she was born in the early 1990s not realizing the beautiful little girl they brought home had suffered irreparable brain damage in the womb because the birth mother drank heavily while pregnant.

Anna doesn't have the facial abnormalities that mark some FASD victims but in many ways her behaviour is stereotypical. She acts on impulse, doesn't socialize well with her peers, fails to realize the consequences of her actions and never seems to learn from her mistakes.

She has never been in trouble with the law but now that she's legally an adult and insists on being out in the world on her own I fear it's just a matter of time.

I've been thinking a lot about Anna recently, not only because of her unplanned pregnancy but because of two events the past few weeks that may have an impact on Anna's life if she ever finds herself in court.

The first was Stockwell Day's announcement he was cracking down on crime and building more prisons; the other was a resolution passed by members of the Canadian Bar Association last weekend calling for a new approach to dealing with offenders with FASD.

REGRESSIVE MOVE

Our prisons are filled with repeat offenders affected by fetal alcohol spectrum disorder. Less than one per cent of the general population has FASD but an estimated 25 to 40 per cent of federal inmates -- nobody knows the exact number -- suffer from the disorder.

Simply building more prisons to warehouse them is a regressive move. That's why the bar association is urging justice ministers across the country to come up with a better way of dealing with offenders who suffer from what is essentially brain damage.

"It's a permanent organic brain injury, there's no cure," says Rod Snow, who became president of the association on Tuesday. "We're repeatedly sending them to jail but we should be able to do something better.

"My hope is that the justice ministers when they look at this will take it seriously and try to devote more resources to the search for solutions. It's not going to be easy."

Canada's justice ministers do seem to be taking it seriously and will in fact discuss the issue when they meet in October -- but the problem is that nobody, including the bar association, knows what to do.

Alberta has a cross-ministry committee made up of representatives from various departments including justice, health and children's services to diagnose FASD, counsel those who suffer from the syndrome and educate the public to the dangers of drinking while pregnant. But it is a never ending struggle.

Those suffering from FASD, like Anna, live in the moment, act without thinking and have astonishingly poor judgment. A few years ago Anna turned on the hose in the backyard just before the family left for a long weekend camping trip. The family came home to find the basement flooded.

Other times, Anna would steal from her family.

"I would try to sit down with her and explain how upsetting her lying and stealing was to other people," says her mother, "but it seemed to make no difference and she would soon return to the same behaviour."

Teenagers with FASD typically have poor social skills and are so desperate for friends that they routinely fall in with a bad crowd that eggs them into committing crimes to fit in. Punishment isn't a deterrent.

With that in mind, crown prosecutors are trying to come up with solutions that don't involve jail time.

Lethbridge, for example, has an FASD diversion project where both the Crown and the police sit on a board to deal with offenders who are diagnosed with the disorder.

"It's done outside the justice system," says Neil Wiberg, a crown prosecutor and co-chair of Alberta's cross-ministry committee.

"It's similar to the alternative measures program. The board prepares a treatment plan and if the offender completes the treatment plan or takes part in counselling the charge doesn't go to criminal court."

SOCIETY NEEDS PROTECTION

But what do you do when they keep reoffending? Or commit a violent crime?

Those who suffer from FASD need protection against unfair incarceration but at the same time society needs protecting too.

"(Anna) is a very nice girl and is funny and can be very sweet at times," her mother wrote in a letter to the authorities. "We love her very much."

But she is not fit to raise a child. The government agreed and the baby is in foster care.

Anna ran away from home and we suspect she drank while pregnant. What we do know is that she tested positive for marijuana when the baby was born, providing another heartbreaking twist to this sad tale that is Anna's life.

It's too soon to tell but there's a possibility that Anna did to her baby what Anna's birth mother did to her -- afflicted her with fetal alcohol spectrum disorder.

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