

FASD: Knowledge, attitudes and practice in the WA justice system

What is this research about?

Fetal Alcohol Spectrum Disorders (FASD) are characterised by brain damage from prenatal alcohol exposure, the effects of which are lifelong. The neurodevelopmental disabilities of developmental delay, poor executive functioning, problems with learning, behaviour, social and adaptive functioning, can lead to secondary disabilities such as poor school performance, mental health problems and justice system engagement.

Researchers wanted to assess justice professionals' awareness and knowledge of FASD; assess the perceived impact of FASD on their practice; and identify their FASD information needs.

This project was funded by the Foundation for Alcohol Research and Education (FARE).

What did we do?

We conducted an on-line survey of staff across the four sectors of the Western Australian (WA) justice system.

Who took part in this study?

- Judicial officers (judges and magistrates)
- Lawyers
- Department of Corrective Services staff (DCS)
- WA Police officers

What did we find out?

- Over 90% of judicial officers, lawyers and DCS staff, and almost 75% of police officers were aware of Fetal Alcohol Syndrome (FAS).
- Awareness of FASD was lower than for FAS across all sectors.
- More than 75% of judicial officers, 85% of lawyers and DCS staff, and almost 50% of police officers perceived FASD as relevant to their work.
- Approximately 60% of participants from the judicial and legal sectors, 67% of staff from the corrections sector, and 43% from the police sector reported ever dealing with a person who may have been affected by FASD.

- Widespread agreement among judicial officers (79%), lawyers (92%) and DCS staff (84%) that the assessment and diagnosis of FASD would improve the possibilities of appropriate consequences for unacceptable behaviour.
- Most participants (72%) also indicated a need for more information about FASD, including information to improve the identification of individuals in need of specialist assessment, and guidelines on how to deal with people with FASD.
- Strong support across all sectors for the development of appropriate alternative or diversionary sentencing options for people with FASD.

What have we done?

Since the completion of the '*FASD: Knowledge, attitudes and practice in the WA justice system*' project and publication of the final report we have:

- met with judges and magistrates and lawyers to plan educational opportunities and continuing professional development
- made presentations at judicial and legal conferences and seminars
- met with judicial officers to discuss the establishment of assessment and diagnostic facilities

This has resulted in:

- invitation to update the FASD section in Chapter 4 Disabilities in the WA Equality before the Law Bench Book
- invitations to present at legal and judicial conferences in 2014 – working in collaboration with lawyers and magistrates to explain how FASD affects a child's development and abilities, how these may present and implications for people working in the justice system
- NHMRC grant application to evaluate the need for, feasibility and effectiveness of two interventions to improve the identification and management of youth with FASD in the justice system

- grant application to develop on-learning education packages, short videos and resources for justice professionals

What do we need to do next?

There is strong support from the Chief Justice of Western Australia, the Hon Wayne Martin AC, Children’s Court magistrates and senior lawyers within the Aboriginal Legal Service and Legal Aid. In collaboration with all sectors of the justice system we need to continue to develop and provide:

- training and education to improve awareness of the specific impairments associated with FASD that impact on the treatment of individuals with FASD across the justice system of WA
- training and education to describe how individuals with FASD should be managed
- improved methods for the identification of individuals with FASD and referral for specialist assessment
- identify specialist diagnostic services for FASD
- information to enable the appropriate recognition and management of an individual’s neurocognitive and behavioural impairments within the justice system
- effective alternative sentencing options;
- programs and resources to provide appropriate treatment for the underlying fixed brain injury
- management and supportive environments specific to the needs of individuals with FASD

How will this research help?

In his submission to the WA FASD Inquiry the Chief Justice of Western Australia stated “... *people who suffer from FASD are likely to be predisposed to offending behaviour, and they are likely to be significantly disadvantaged at virtually every point in the criminal justice system.*”

FASD has been recognised to potentially affect the ability to understand and respond appropriately to interviewing, to be a reliable and credible witness, to understand the charges and the court proceedings, and to comply with court orders or the requirements of imprisonment.

FASD is not an excuse for breaking the law. However, all young people, including those with an FASD, deserve to be treated equally before the law - as stated in the WA Bench Book ‘Equality before the law’ does not mean ‘same treatment’. Increased awareness and action at all levels of the justice system can offer a lifeline to young people with an FASD.

Improved knowledge and understanding by justice professionals, access to assessment and diagnostic services will assist in better assisting and managing these young people in the community and corrections system. In addition, the potential benefits to society, through decreased crime and costs, are advantageous.

Project Researchers

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Project Report

Read the Project Report