



# FETAL ALCOHOL SPECTRUM DISORDER: KNOWLEDGE, ATTITUDES AND PRACTICE WITHIN THE WESTERN AUSTRALIAN JUSTICE SYSTEM

This information sheet summarises the findings of a research project undertaken in 2011/2012 by researchers at the Telethon Institute for Child Health Research, with the participation of foster carers in Western Australia.

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

The purpose of the study was to assess justice professionals' awareness and knowledge of FASD; assess the perceived impact of FASD on practice within the justice system; and identify the information needs relating to FASD for the justice system in WA

## Project Investigators

- Dr Raewyn Mutch
- Dr Rochelle Watkins
- Heather Jones
- Winthrop Research  
Professor Carol Bower

## Project Reference Group

- Ms Fay Alford: Director, Foster Care Association of Western Australia
- Mr David Davidson: Law Society of Western Australia, Criminal Law Committee
- Mr Warren Harvey: WA Representative, National Organisation for Fetal Alcohol Syndrome and Related Disorders
- Ms Sue Renshaw: A/Assistant Commissioner, Youth Justice Community and Youth Justice Divisions Department of Corrective Services
- Ms Claire Rossi: Senior Solicitor, Youth Law Team Legal Aid Western Australia
- Assistant Commissioner: Judicial Services Western Australia Police (Mr Wayne Gregson APM, Mr Jon Tuttle, Mr Kim Porter)

## Methods

- Literature Review
- On-line survey of judicial, legal, corrections and police sectors of the WA justice system
- Quantitative and qualitative analysis of the data

## Key Findings

- Response to the survey was low (23%) and relatively consistent across sectors.
- Over 90% of judicial officers, lawyers and DCS staff, and almost 75% of police officers were aware of FAS.
- Awareness of FASD was lower than for FAS across all sectors.
- Almost 80% of participants agreed that FASD is real, and that the negative effect of alcohol on fetal development has been proven.
- 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.
- We found 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.
- We also found strong support across all sectors for the development of appropriate alternative or diversionary sentencing options for people with FASD.

## Conclusions

Our findings reveal deficits in the treatment of individuals with FASD within the justice system which are similar to those reported in studies of judges, lawyers and prosecutors in QLD and Canada, and demonstrate important similarities and differences in perceptions and practice between professionals working in different sectors of the justice system. Overall we found that the WA justice system is poorly prepared and resourced to consider the neurocognitive impairments associated with FASD. Identified challenges to the effective management of individuals within the justice system include the need for:

1. 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;
2. training and education to describe how individuals with FASD should be managed;
3. improved methods for the identification of individuals with FASD and referral for specialist assessment;
4. identified specialist diagnostic services for FASD;
5. information to enable the appropriate recognition and management of an individual's neurocognitive and behavioural impairments within the justice system;
6. effective alternative sentencing options;
7. programs and resources to provide appropriate treatment for the underlying fixed brain injury; and
8. management and supportive environments specific to the needs of individuals with FASD.

Ultimately, the findings from this work emphasise the need for change within and outside of the justice system to prevent the continued engagement of people with FASD with the justice system. Participants recognised the importance of a co-ordinated cross-sector approach and continued collaboration.

We acknowledge the support of the Chief Justice of Western Australia, the Hon Wayne Martin AC for this project and more generally for his advocacy and instructional role on Fetal Alcohol Spectrum Disorder in the justice system.

We are indebted to members of the Western Australian justice system: judges, magistrates, registrars, lawyers, Corrective Services staff and police officers, who completed the survey. Their contribution to this project will enable an improved understanding of how Fetal Alcohol Spectrum Disorder impacts on their decision making, and what challenges they face in their work within the justice system.

For more information about this project or other alcohol, pregnancy and FASD projects please contact Heather Jones

Email:

[hjones@ichr.uwa.edu.au](mailto:hjones@ichr.uwa.edu.au)

Phone: 08 9489 7724

Mail: PO Box 855,  
Subiaco WA 6872