



Correctional Service  
Canada

Service correctionnel  
Canada

# Prevalence of FASD in the Criminal Legal System



SAFETY, RESPECT  
AND DIGNITY  
FOR ALL

LA SÉCURITÉ,  
LA DIGNITÉ  
ET LE RESPECT  
POUR TOUS

**Patricia MacPherson, M.Sc.**

*Research Branch*

*Addictions Research Centre, Montague PE*

*Correctional Service Canada*

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# FASD and Challenges for Legal System

- Maladaptive behaviour in the community results in trouble with the law
- Often arrive without a diagnosis or without evidence of a prior diagnosis
- On arrival, little known about family/social history outside of what is provided by the courts
- Adjustment to institutional life can be challenging
- May be an elevated risk of re-incarceration, due to syndrome never being identified



# Components of the legal system

- Police – first point of contact
- Courts – determination of guilt, sentencing
  - Prosecution/Defence council
  - Judge

## Sentencing:

- Custodial Sentences –
  - Provincial – 2 years less 1 day
  - Federal – over 2 years
- Community sentences –
  - Probation (provincial jurisdiction)



# FASD by the numbers

First number to peak individuals' attention:

**60%**

- 1996, Dr. Ann Streissguth and others found that in a sample of individuals with an FASD, 60% of adolescents and adults had some “contact with the law”
  - (ever charged, arrested, convicted or otherwise in trouble with the law)
- In 2004, Streissguth et al. found that among adults in trouble with the law, 87% went on to be to be arrested, charged and/or convicted.



# FASD by the numbers

Data on FASD prevalence for individuals who come into *contact with police* are not available

- Mental Health teams (trained police officer/social worker/mental health nurse) have been created to attend 911 calls and other disturbances in most provinces and territories;
- No available data on rates of FASD

Data on number of individuals with an FASD who are *arrested/charged* **Not Available**

Data on number of individuals with an FASD in *courts or mental health courts* also **Not Available**



# FASD by the numbers

## Sentencing – community, provincial or federal custodial dispositions

- General data on prevalence not available.

## Trend?

- Need to identify individuals who come into contact with the law
- Diagnosis is needed for accurate prevalence estimates
- Prevalence estimates exist based on small number of studies; suggest higher prevalence in offender populations



# Challenges for Corrections

## How to identify affected individuals

- Screening, diagnosis

## How to adapt current approaches/interventions

- Method and modality dependent on number of affected offenders

## Management in the institution and community

- behavioural, case management

## Accommodation

- Physical environment; manage expectations

**Ultimate goal:** Reduce risk of re-offending and protect public safety



# CSC Research on FASD

**Research to date has focused on:**

- **Development of a screening tool for FASD:**
  - To enhance ability to identify adult offenders in need of further diagnostic assessment
- **Estimating prevalence in general offender population**
  - Identifying the scope of the problem in an adult correctional setting



# Initial Research on Developing and Piloting a Screening Tool

## Participants:

- Males, age 30 and under
- Sentenced by the court to a federal term (two years or more)
- From the local geographic area

## 165 offenders approached

- 106 agreed (64%)

Final Study Sample : **91** participants



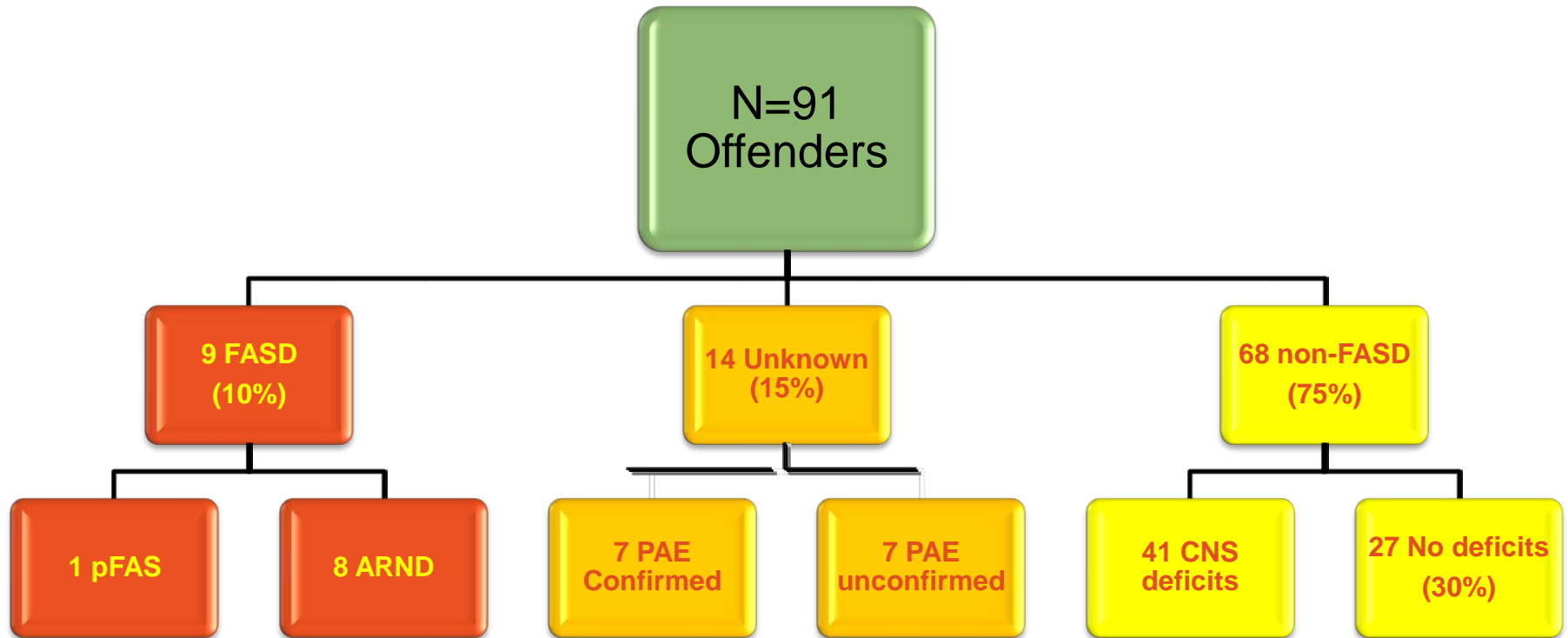
# Brief Screen Checklist (BSC)

BSC information collected from the **offender, parole officers, collateral sources**

Medical records from birth/mother's pregnancy



# Results from diagnostic assessment



**70%**



## \*Reported alcohol use (any source)

### Postnatal alcohol use predicting the likelihood of prenatal alcohol exposure

Screening question*	$\beta$	<i>SE</i>	Wald $\chi^2$	Odds Ratio (OR)	OR CL	<i>p</i>
<b>Drink frequently during participants' childhood (binomial)</b>	<b>1.76</b>	<b>0.65</b>	<b>7.26</b>	<b>5.82</b>	<b>1.62-20.97</b>	<b>.0070</b>
<b>Consume large** quantities during a single drinking occasion during participants' childhood (binomial)</b>	<b>2.13</b>	<b>0.83</b>	<b>6.59</b>	<b>8.41</b>	<b>1.65-42.76</b>	<b>.0130</b>

\*reference category is drink while pregnant=1 (yes)

\*\*large=four or more drinks per occasion

The likelihood of receiving a diagnosis of an FASD was 16 times higher for those who had postnatal (childhood) maternal alcohol consumption histories (heavy and often) ( $p=.0129$ ).



# Validation with UC Group

## Screening tool properties

Se= 78%

Sp= 81%

PPV= 35%

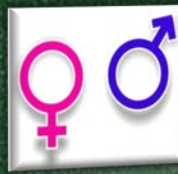
NPV= 96%

Accuracy= 88%

## Validation group (UC)

- Four of the 14 previously 'uncertain' participants would be screened in as likely FASD
- If confirmed, prevalence rate would increase from 10% to 14%

low false negative rate or  
*missed cases*



# Women offenders and FASD

Pilot research on the BSC was replicated with a women offender population

- Required different recruitment approach – needed to build and develop trust relationships with women prior to broaching subject
- To adequately address the needs of women offenders, a holistic understanding of women's experiences and needs are required. (CSC, 1990)

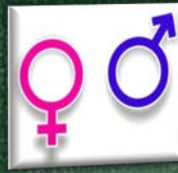
Understanding the nature of how males and females differ in the expression of FASD is important for future research, interventions, and practice. Establishing the gender-based differences in FASD can guide screening criteria and inform gender-specific programming.



# Women offenders and FASD – Recruitment

## Special consideration with women offenders:

- Consultation with women offenders in another region occurred to ensure a gender-informed approach
- Addition of an FASD Awareness session with all women at the institution to demystify topic
- Careful rewording of recruitment letters and recruitment script to ensure a gender-informed approach.



# Final sample size for women offender prevalence study

43 Requests

- 23 – full assessment
- 6 Withdrawals
- 19 declined to participate
- 67% participation rate
- Currently finalizing analysis of results and write-up of findings



# Lessons Learned

- First study to attempt to estimate prevalence in an adult general offender population.
- Upon intake to the correctional system, background information on offenders is still being gathered and may not be immediately available to staff.
- Prenatal alcohol exposure was difficult to confirm, however maternal postnatal alcohol use can be reported by offender for screening purposes and appears to be associated with FASD.
- All offenders diagnosed with FASD in the men's study sample were in multiple foster care placements as youth.
- Research with women offenders required a different approach.



# Lessons Learned

## Multiple layers of ethical issues in studying this area in both men and women

- Active case ascertainment method - researcher/clinician is identifying the possibility of prenatal alcohol use and approaching the individual/family ; not referred
- Family may not want/know how to deal with issue
- Incarcerated women – may have children, worries about child protection – less likely to disclose sensitive information
- It is important to ensure that follow-up for men and women who are diagnosed with an FASD



# Conclusions from pilot studies

- Screening and diagnosis of FASD can be accomplished in a correctional setting but is resource intensive.
- Prevalence of FASD was ten times greater in the men's study sample compared to the general North American population – however, due to small and limited sample, results are not generalizable and need to be interpreted with caution.
- High overall rate of neuropsychological impairments in the study sample (70%) was found – this would benefit from further research.



# Thank you for your time!





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