

# FASD JUSTICE SUPPORT PROGRAM FOR YOUTH

Mitigating the Risk of Recidivism through:  
Relationships, Dialogue, and Evaluation

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# Learning Objectives

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- 1. Compare the Alberta Section 19 case conference process with those practices in delegates communities.**
- 2. Identify FASD Justice Support Program for Youth best practices.**
- 3. Examine the importance of strong program evaluation metrics that contribute to safe communities.**

# Strategic Context

# FASD and Access to Justice

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*FASD and Access to Justice: Final Report to Federal/Provincial/Territorial Ministers Responsible for Justice and Public Safety*  
(October 2016).

*Legislative/Non-Legislative Changes:*

*1. Evaluate the desirability and the potential impact of clarifying the power of the court in the Criminal Code to authorize assessments of the mental condition of the offender for the purpose of determining a fit and appropriate sentence.*

*2. Continue to examine ways to improve access to justice for all people with neurocognitive disabilities, mental health issues, including FASD.*

# FASD and Access to Justice

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*Broader focus than just FASD:*

*3. Any considerations of criminal law or policy reforms should not focus exclusively on FASD, but should include consideration of all people with mental health conditions or other neurocognitive disabilities.*

*4. Explore programs and services that support the prevention of persons with FASD from coming into initial contact with the criminal justice system, and those that reduce re-offending of people with FASD who are already in the criminal justice system.*

*Federal Criminal Justice System Review*

*5. Consider FASD and other neurocognitive disabilities in the course of the criminal justice system review.*

# FASD and Access to Justice

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## *Opportunities for Further Research:*

*6. Consider undertaking studies to determine the prevalence of FASD and other neurocognitive disabilities in correctional populations.*

*7. Consider undertaking studies to identify and validate FASD screening tools for use in an adult offender population.*

*8. Consider evaluating the effectiveness of restorative justice approaches for people with FASD.*

*9. Explore the capacity of forensic mental health services to screen for FASD and provide information to the court relating to a person's neurocognitive abilities.*

# FASD and Access to Justice

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## *Information Sharing:*

*10. Explore opportunities for interdepartmental and interagency information sharing and collaboration on FASD and other neurocognitive disabilities.*

*11. Encourage the development and delivery of education and training programs on FASD and other neurocognitive disabilities for criminal justice system professionals.*

The full report is posted here: <http://www.scics.ca/en/product-produit/final-report-to-federalprovincialterritorial-ministers-responsible-for-justice-and-public-safety/>

# A universal challenge: an Indigenous Perspective

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- **Truth and Reconciliation Commission of Canada Call to Action:**
  - *34. We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:*
    - *i. Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD.*
    - *iii. Providing community, correctional, and parole resources to maximize the ability of people with FASD to live in the community.*
    - *iv. Adopting appropriate evaluation mechanisms to measure the effectiveness of such programs and ensure community safety.*



# Government of Alberta FASD Initiatives

# Government of Alberta FASD Initiatives: Cross Ministry Committee

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- The *FASD Beyond Year 10: The Path Forward Report* outlines three key priorities to support individuals affected by FASD in the criminal justice system:
  - Implement promising models of transition from corrections to community across the province;
  - Ensure FASD-appropriate supports are available in the criminal justice system; and
  - Increase access to assessment and diagnosis in correctional centres.

# What is the FASD Justice Support Program for Youth?

# FASD Justice Support Program for Youth

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- The Fetal Alcohol Spectrum Disorder (FASD) Justice Support Program for Youth is a partnership between Alberta Justice and Solicitor General and the Calgary and Edmonton Youth Criminal Defence Offices.
- The Program organizes case conferences to assist young persons with an FASD diagnosis who have been in conflict with the law. Conferences are ordered by youth justice court judges under Section 19 of the *Youth Criminal Justice Act* (YCJA).

# What is Section 19?

# Section 19

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- **A Section 19 conference can be convened or caused to be convened by:**
  - A youth justice court judge
  - The Provincial Director
  - A police officer
  - A justice of the peace
  - A prosecutor
  - A youth worker (probation officer, correctional service worker, etc.)
  
- **A Section 19 conference may be convened to give advice on:**
  - Appropriate extrajudicial measures
  - Conditions for judicial interim release
  - Sentencing
  - **Reintegration plans**

# Establishing, Organizing and Facilitating a Section 19 Case Conference

# Establishing a Section 19 Committee

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- **Co-Facilitator Model:**
  - lead the planning and organization of the conference.
- **Other potential Standing Committee members:**
  - provide or facilitate the provision of the supports and services required by the young persons in the program.
- **The Standing Committee will include representatives who can help with matters such as but not limited to:**
  - housing
  - physical / mental health care
  - addictions
  - work / educational supports
  - long-term mentorship and supervision
  - social, recreational/leisure supports



# Organize an FASD Section 19 conference

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- **Ensure that the young person has been diagnosed as being affected by FASD;**
- **Gather background information and complete a Section 19 CASE Profile; and**
  - Using the CASE (Challenges, Assets, Supports, Expectations) Profile
- **Ensure that the appropriate individuals participate in the conference.**
  - Ensure that the FASD assessor can attend the conference
  - Contact the young person's probation officer (if not already co-chairing the conference)
  - Contact the young person's guardian
  - Contact current and possible future services and supports

# Facilitating a Section 19 Case Conference

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- **Obtaining Consent/ Rules of the case conference**
- **Diagnosis information**
  - a summary of the cognitive profile, social and emotional/mental health profile, daily living skills/self-care profile, and physical health profile, including addictions and/or substance abuse.
  - the assessor also describes the young person's strengths and limitations.
- **Devise the support plan**
- **Write the Section 19 Report**

# What are Plain Language Conditions?

# Plain Language Conditions

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- **Developed by Vecova Centre for Disability Services and Research – contracted by the Calgary Youth Criminal Defence Office.**
- **PhD Experimental Cognitive Psychology.**
- **Extensive process including: consultation, assessment of readability of original document, audience testing, revision based on feedback, second testing, revision.**

# Standard vs Plain Language Examples

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‘That the young person shall refrain absolutely from the possession or the consumption of any intoxicants including, but not limited to: alcohol and/or all street drugs, non-prescription drugs or prescription drugs which have not been prescribed for and taken by the young person in accordance with the directions of a qualified medical professional’

**‘You cannot take anything that can intoxicate you. This includes things like:**

- **Alcohol**
- **Street drugs, like marijuana, cocaine, ecstasy, and others**
- **Non-prescription drugs**
- **Prescription drugs that you do not have a prescription for**
- **Taking more prescription drugs than what your doctor told you to take**
- **Anything else that can intoxicate you’**

# Standard vs Plain Language Examples

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‘That the young person shall keep the peace and be of good behaviour’

**‘You must behave and obey the law’**

‘The young person shall attend school every scheduled school day subject to the approval of the school principal’

**‘You must go to school every day that you have school. The principal of your school needs to be okay with you going to school every day’**

# Does the FASD Justice Support Program for Youth Work?

# The Research

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- In 2015, an independent research company, Guyn Cooper Research Associates Ltd., was engaged to complete a comprehensive process and quasi-experimental impact evaluation of the Program.
- The purpose of the research was to identify and measure the impact of case conferencing on the life course and recidivism of young persons who have been diagnosed with FASD.



# The Research

- The Study found that the FASD Justice Support Program prevents crime and reduces recidivism.

Figure 10. Change in % 2 or more charges, S.19 group

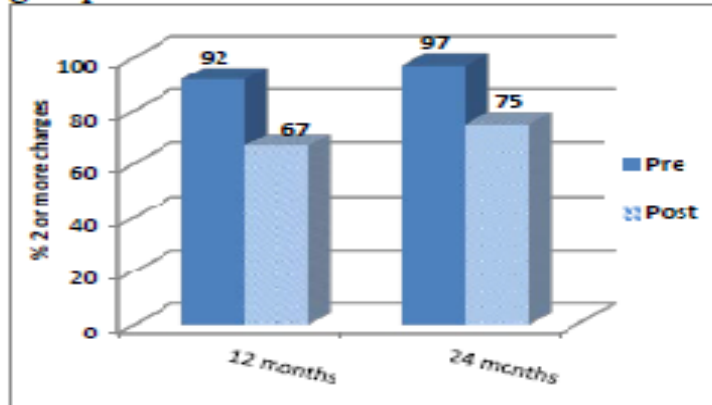
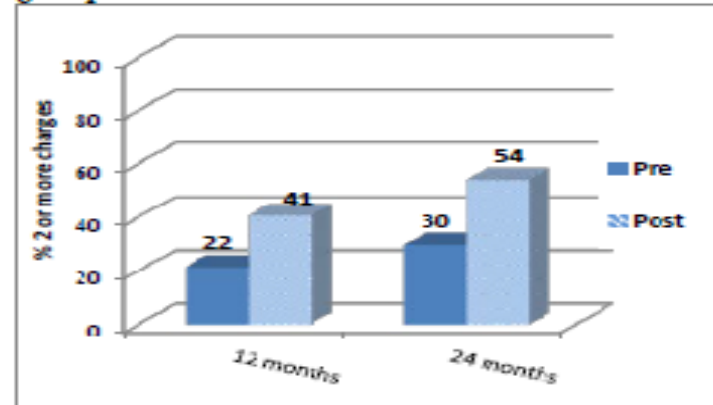
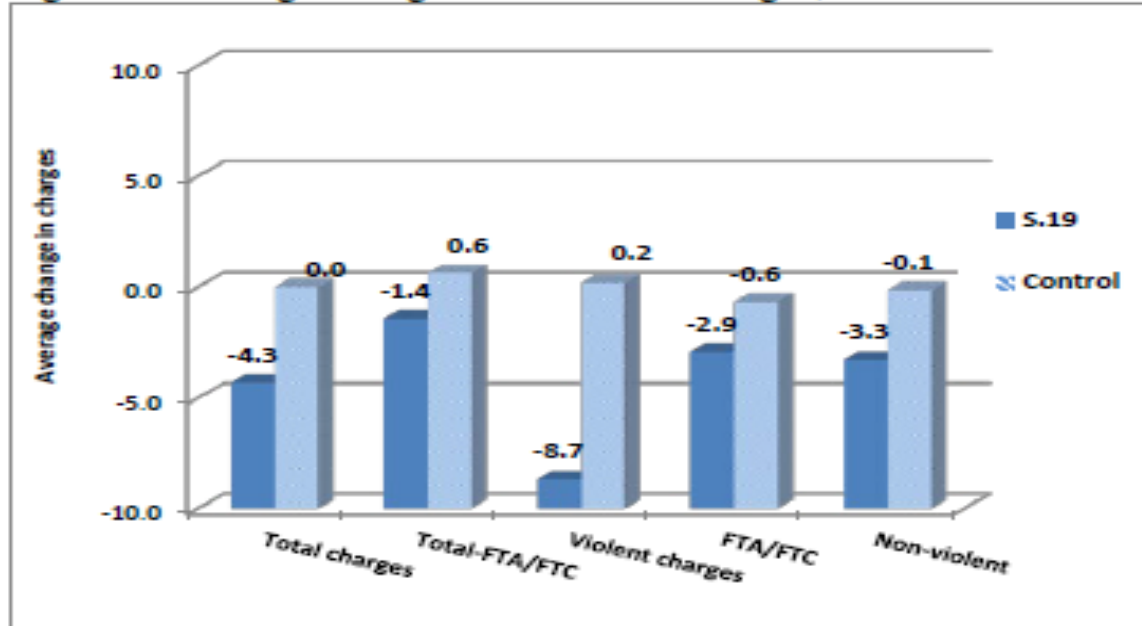


Figure 11. Change in % 2 or more charges, control group



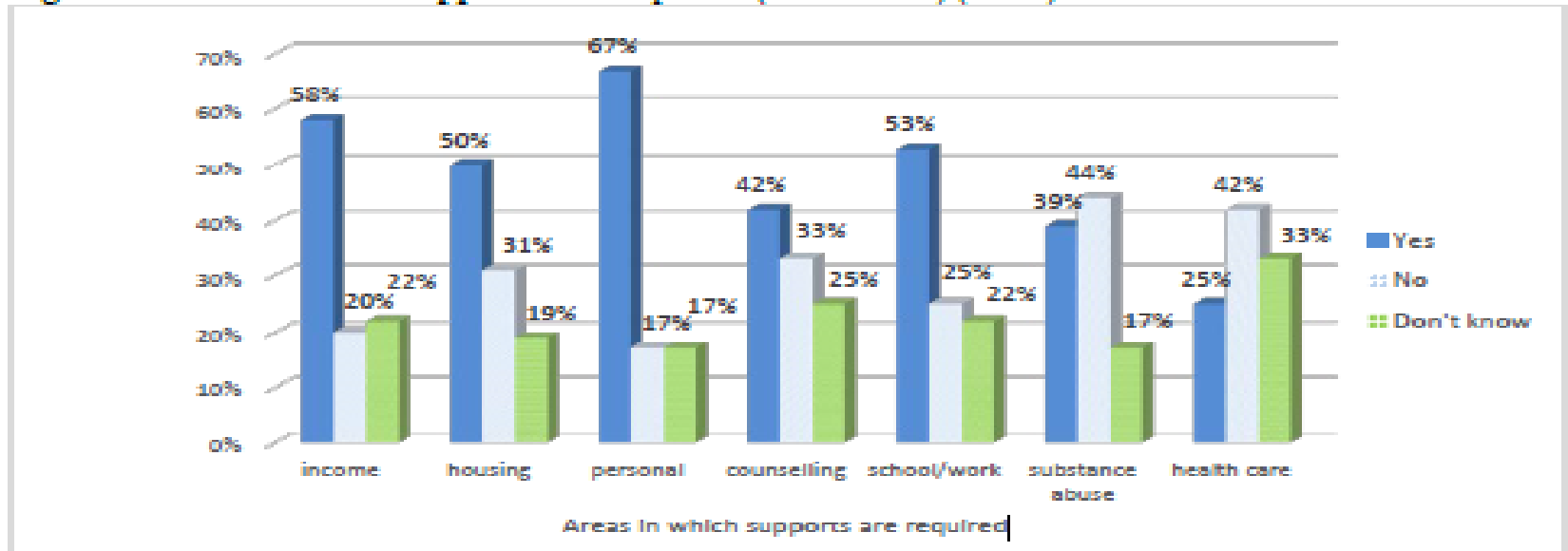
# The Research

Figure 12. Average change in number of charges, S.19 vs. controls



# The Research

Figure 3. Areas in which supports are required (S. 19 Youth) (N=36)



# What is the future of the FASD Justice Support Program for Youth?

# The Future

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- **Alberta Justice and Solicitor General is working to expand the FASD Justice Support Program for Youth throughout the province, with first steps taking place in 2018.**
- **Groundwork for the FASD Justice Support Program is already laid, but decisions about many important factors require input from the FASD Networks and other service providers who work in the courts and with people affected by FASD.**

# Evaluating the FASD Justice Support Program for Youth

# Evaluating the FASD Justice Support Program for Youth

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- **Monitoring and follow-up**
- **Cost-benefit analysis (pre- and post-conference)**
  - Health care
    - Number of visits to the emergency room
  - Education
    - Number of days attended school
  - Social services
    - Number of nights spent in a homeless shelter
    - Source and amount of income directly to the youth from government transfers
  - Criminal justice
    - Number and type of criminal charges

# What does success for the FASD Justice Support Program for Youth look like?



# What Does Success Look Like?

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- **Mitigating the Risk of Recidivism through Relationships, Dialogue, and Evaluation**
  - Better information
  - Appropriate supports
  - Coordinated systems
  - Effective policies