The Path to Justice

Access to Justice for Individuals with Fetal Alcohol Spectrum Disorder

Summary of a national conference hosted by the Steering Committee on Access to Justice for Individuals with FASD in collaboration with the Department of Justice, Government of Yukon and the Department of Justice Canada.

Whitehorse, Yukon September 17-19, 2008

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PREFACE

The Steering Committee involved in organizing “The Path to Justice: Access to Justice for Individuals with Fetal Alcohol Spectrum Disorder (FASD) Conference” has worked for the past two years to look at the extent of the problem of access to justice for individuals with FASD and to raise awareness at a national level of the impact this disorder has on the lives of the people who live with FASD, as well as those who provide justice related services and the system as a whole. This report summarizes the conference and looks forward to next steps.

During this conference we learned that individuals with FASD interact with the justice system in a number of different ways – as victims and offenders in criminal proceedings, in family law settings, in child custody cases, and in other areas of law as well. We also learned that there is a great deal more that we need to do and learn about FASD and its impact on the justice system.

This journey to ensuring access to justice for individuals with FASD has only just begun. It is now incumbent upon each of us to do what we can individually, and in the organizations that we work for, to develop policy, programs and legislation if we hope to address the barriers that individuals with FASD face when they come into contact with the justice system.

The success of this conference would not have been possible without the passion, interest and dedication shown by the organizers and all attendees. It was quickly apparent to all members of the Steering Committee that this issue touches not only the lives of the clients whom the justice system serves, but also their families, the professionals who provide service on a daily basis and our communities. With attendance from across Canada and the justice system spectrum, it was very evident that FASD touches each jurisdiction.

I would be remiss if I did not take a moment to thank the members of the Steering Committee who organized this event. Each member played a key role in the success of the event itself and will no doubt be leaders in championing this issue in the future. I would also like to thank our speakers and moderators. Their knowledge, passion and commitment to these issues were inspiring and informative for us all. They shared with us not only their professional experiences, but in many cases their personal ones, serving to enrich our learning experience even further. Finally, I would like to thank all of the attendees of the conference. I think it is safe to say that we learned as much from the experts as we did from each other.

Dennis Cooley, Steering Committee Chair
Deputy Minister, Yukon Department of Justice
BACKGROUND

The Steering Committee on Access to Justice for Individuals with FASD was created in 2007 after it was identified that FASD is an important public health issue that impacts the justice system, yet is not fully understood among senior decision makers in justice related fields within government and non-governmental organizations. The Steering Committee was led by the Deputy Minister of Justice, Government of Yukon and consisted of public servants from various departments within the Government of Yukon, as well as the Department of Justice Canada, the Public Prosecution Service of Canada and the Royal Canadian Mounted Police. Steering Committee members also included representatives from the Canadian Bar Association – Yukon Branch, Council of Yukon First Nations, and the Fetal Alcohol Syndrome Society of Yukon.

In 2007 the Steering Committee contracted with the Canadian Institute of Law and the Family to conduct research on access to justice for individuals with FASD in the Yukon justice system. Based on the results of this research, which demonstrated a high need for more appropriate responses to individuals with FASD involved in the justice system, the Steering Committee decided to host a conference at a national scale that would address FASD as an access to justice issue. It was decided that the conference would be aimed to raise awareness among those who have influence over aspects of the justice system across Canada in the hopes that they could begin to address the issues. As a result, the goals of the conference included:

- To help develop a thorough understanding for decision makers of the challenges that individuals with FASD face with respect to access to justice;
- To highlight current practices and policies for responding to individuals with FASD as clients of the justice system;
- To obtain commitment from attendees to actively work to reduce these barriers.

This was the first conference of its kind. Over a two and a half day period, experts in the fields of access to justice and FASD shared their experiences and helped the audience develop a more thorough understanding of the importance of improving real justice to individuals with FASD. Panel discussions highlighted the issues relevant to all aspects of the justice system including prevention, police, victim services, corrections, programs, and criminal, family, and civil courts.

The 130 delegates included lawyers, judges, police officers, program managers, policy makers, and government officials representing all aspects of the justice system.

The commitment of key decision makers in the justice system who participated in the planning or deliberation of the conference, including the Minister and Deputy Minister of Justice for Yukon, the Deputy Minister of the Department of Justice Canada, the Commissioner of the Correctional Service of Canada, the Representative for Children and Youth for British Columbia, and the Deputy Attorney General’s for British Columbia and Saskatchewan, demonstrated that decision makers are committed to addressing this issue.

It was the knowledge, dedication, and compassion of the thirty speakers that made the conference a huge success and allowed the Steering Committee to be confident that the first two goals of the conference had been achieved. The key message that was left with delegates was that current systems of justice must be improved and that the only way to address this is to take ownership and commit to reducing some of the barriers that individuals with FASD face in accessing justice.
The purpose of this report is to summarize the key messages identified during the conference and to outline the recommendations put forward by both speakers and delegates. The report concludes with an overview of some of the ways that participants are demonstrating their appetite for change and dedication to advancing access to justice for individuals with FASD.

*It is not the individual who is failing, it is our attempts to work with the person that has failed.*

-Jonathan Rudin, Program Director,
Aboriginal Legal Services Society of Toronto

**WHAT IS FASD?**

Fetal Alcohol Spectrum Disorder is the umbrella term used to describe the medical diagnoses that can be caused from maternal alcohol consumption during pregnancy. These medical diagnoses include Fetal Alcohol Syndrome (FAS), partial Fetal Alcohol Syndrome (pFAS), and Alcohol-Related Neurodevelopmental Disorder (ARND). These diagnoses last throughout the life-span and are equally represented by permanent brain injury.

FASD is one of the leading causes of mental retardation, developmental and cognitive disabilities in Canada. While exact prevalence data is not available, it is estimated that 0.9/100 people from the general Canadian population have FASD. Approximately 200,000 individuals in Canada are undiagnosed. Rates of FASD have been shown to be higher in areas where alcohol abuse and poverty are widespread.

Dr. Sterling Clarren, a leading physician in the field of FASD for over 30 years explained to conference delegates that not everyone who drinks alcohol during pregnancy will have a child with FASD. Whether an individual will have FASD as a result of maternal alcohol consumption during pregnancy depends on numerous factors including genetics, maternal characteristics, nutrition, environment, developmental timing, reactions to other drugs and duration and extent of alcohol exposure.

Dr. Clarren provided delegates with a comprehensive understanding of how FASD affects the brain. While some individuals with FASD, most notably those with FAS, have facial anomalies that separate them from others including short horizontal eye length, a thin flat upper lip, and a flattened midface, Dr. Clarren advised that most people with FASD do not have any visible facial or other characteristics.

Maternal alcohol use during pregnancy affects every part of the developing brain. This can result in problems with learning, memory, storage and retrieval of information, adaptive behaviour, attention, impulse control, speech and language abilities, motor development, reasoning, and problem solving. Approximately half of individuals with FASD meet standard criteria for mental retardation (IQ less than 70). Dr. Clarren advised that the brain abnormalities associated with FASD are different for every person with this disability.

FASD cannot be identified through a blood test. It requires a comprehensive, multidisciplinary assessment that includes neuropsychological testing and confirmation of maternal alcohol consumption during pregnancy. Diagnosis is challenging and many physicians and psychologists throughout Canada are not trained in the diagnostic process. Several FASD clinics exist across Canada and those that are trained have been actively training others to increase diagnostic capacity throughout Canada. The cost of an FASD assessment (ranging from $3,000 - $6,000) is not routinely paid for by provincial or territorial health care plans.
WHAT IS ACCESS TO JUSTICE FOR INDIVIDUALS WITH FASD?

According to Professor Roderick Macdonald, a leading academic in the access to justice field from the Faculty of Law at McGill University, access to justice involves both objective and subjective factors. Objective factors include public and private institutions, such as access to legal services. Subjective factors include improving personal empowerment and stake in the system of governance. Dr. Macdonald highlighted that both these factors must be taken into consideration when addressing access to justice for individuals with FASD.

Professor Macdonald described access to justice as:

... providing equal opportunities for all including the marginalized to gain full access to all positions of authority within the legal system and doing so means above all else developing services focussed on empowering people.

Keynote speaker, Mary Ellen Turpel-Lafond, a judge who pioneered FASD as a prominent issue within the criminal justice system and current Representative for Children and Youth in the Province of British Columbia, along with Judge Heino Lilles, another pioneer in addressing FASD from a judicial perspective, both highlighted the fact that youth and adults with FASD have no problem accessing the justice system; they come into contact with the justice system repeatedly.

Ms. Turpel-Lafond stated that improving access to justice for individuals with FASD,

... is the desire in fact to understand and keep them out of the justice system and to ensure that the justice system is not used as a substitute for appropriate social services and supports for some of the most vulnerable citizens.

Because of the cognitive deficits associated with FASD, individuals with FASD experience barriers to full participation throughout the justice system. Highlighted by Fia Jampolsky, defense counsel for Yukon Legal Services Society, as well as Chief Judge Karen Ruddy, Territorial Court of Yukon, some of these barriers include: (a) the ability to apply for legal aid; (b) the ability to participate in meetings and attend court; (c) the ability to process information; (d) the ability to distil the information in their own circumstances; (e) the ability to understand and act on lawyer’s advice; (f) the implications of false confessions; and (f) the ability to abide to conditions of release.

During the conference these challenges were highlighted by three adults with FASD who have had contact with the criminal justice system and agreed to share their stories with conference delegates to demonstrate the realities of living with FASD and dealing with the justice system. Hearing first hand accounts of the barriers these individuals faced in accessing and participating in the justice system was considered one of the highlights of the conference.

Ms. Turpel-Lafond stated that since we know that individuals with FASD are at risk of coming into contact with the justice system,

... we must do everything as a society to improve those circumstances from the maternal-fetal period all the way through the lifespan.
WHY IS FASD AN IMPORTANT ACCESS TO JUSTICE ISSUE?

Evidence suggests that individuals with FASD are at risk of coming into contact with the justice system. Previous prevalence studies of sentenced offenders (both youth and adults) in the criminal justice system indicate much higher prevalence than in the general Canadian population. Similar to the general Canadian population, however, the overall prevalence of individuals involved with the justice system is unknown and most are not diagnosed.

Without early recognition and adequate supports to accommodate and respond to the damage associated with FASD, some of these individuals become involved in the criminal, family, and civil justice system as litigants, witnesses, victims, and/or accused/offenders. Dr. Clarren described a typical individual with FASD who was not identified early in their lives as someone with “mysterious maladaptation.”

Dr. Clarren described the characteristics of “mysterious maladaptation”:

First, they don’t do well in school and social experiences; by the time they get to adults they are often alienated or have exhausted their caregivers, so they are out on their own, and these combined lead to social isolation, poor job performance, poverty, mental health problems, homelessness, victimization, and criminogenesis.

It is those individuals with FASD that have been failed by the system in childhood who are most likely to become involved in the justice system as adults. Once individuals with FASD enter the justice system, if they are not identified and provided with the necessary services, they will likely continue to be involved in the justice system as adults.

The child in care progresses into a youth in the criminal justice system, then progresses into an adult in the criminal justice system and then continues simultaneously into the child protection system (as their children are taken away) and also seen in adult family court (as their families have broken down) all the while being incredibly vulnerable.... Yesterday’s victims are tomorrow’s accused.

Fia Jampolsky, Barrister and Solicitor, Community Law Clinic, Yukon Legal Services Society

Almost all presenters alluded to the perception that the justice system is not responsive to the needs of individuals with FASD.

Responses to date in the justice system and other systems are status quo – some positive, some negative, all inadequate. It just doesn’t go far enough.

Mike McIssac, Community Wellness Coordinator, Teslin Tlingit Council

To further demonstrate this point, Professor Kent Roach, a leading academic in criminal law at the University of Toronto, pointed out significant inconsistencies in the case law showing that the justice system is not prepared to respond to the needs of individuals with FASD. It was repeatedly stated throughout the conference that small steps that do not require vast financial and human resources could dramatically increase access to justice for individuals with FASD.
HOW DOES FASD FIT WITHIN THE CRIMINAL LEGAL CONTEXT?

While Canadian case law demonstrates that some individuals with FASD have been found Not Criminally Responsible on Account of Mental Disorder (NCRMD) or Unfit to Stand Trial (UST), this is not considered the norm.

*The justice system is premised on assumptions that people act in a voluntary manner that is determined by free will and that they can make informed and voluntary choices both with respect to the exercise of their rights and the decision to commit crimes. Contrary to the reality of the permanent brain damage caused by FASD, it is also assumed that mental disorders can be treated so that a person will eventually either be found fit to stand trial or to present no substantial danger to the public and therefore be safe to release.*

Kent Roach, Professor, Faculty of Law, University of Toronto

Given the stringent criteria associated with defences of NCRMD and UST, most individuals with FASD would not meet this threshold.

The problem then is where do individuals with FASD fit in terms of criminal legal responsibility? The answer is unclear. Justice Richard Schneider, presiding judge at the Toronto mental health court and a certified psychologist, provided delegates with an important distinction between the legal binary choice of “fit” versus “unfit” with clinical definitions of fitness. Justice Schneider indicated that even if a person is found “fit,” his clinical reality may be closer to being “unfit” in terms of his ability to know when things are wrong. He indicated that it is a fine line between the two.

*You cannot assume in any way that they will fit into that average full capacity individual that has free will and determination to: (a) understand the system that they’ve walked into, and (b) comply with anything that is said in that system.*

Mary Ellen Turpel-Lafond

Professor Roach indicated that sometimes when FASD is known, it may not be in the accused’s best interest in disclosing this information to the court.

*Once defence finds out, they still have to determine if it will be best for the accused to raise the issue – the immediate liberty interests versus the long term interests of obtaining treatment – always in the accused’s therapeutic interest, but may not be in his legal interest.*

Professor Kent Roach

As Dr. Clarren pointed out, FASD manifests differently in every individual with an alcohol-related diagnosis. There is not one answer for addressing FASD within the criminal legal context. However, with appropriate awareness judges have the opportunity within sentencing to truly address the unique needs of the offender.
WHY IS THE JUSTICE SYSTEM NOT CONSISTENTLY RESPONDING TO FASD?

One of the main arguments as to why the justice system has not consistently responded to this disability is that it is difficult to identify and there is no known “treatment”. Effective “treatment” of FASD generally involves long-term external supports and supervision. Most people involved in the criminal justice system are not involved for life and most programming or treatment for offender’s ends as soon as they are no longer under the supervision of the justice system. This highlights another aspect: that responding to FASD requires collaboration with other systems, such as housing, social services and health.

Background research conducted for the conference Steering Committee by the Canadian Research Institute for Law and the Family found that there is a considerable lack of knowledge of FASD among criminal justice professionals within the Yukon. FASD cannot be addressed if people do not know what it is, or how it may impact how they work with clients.

Other than the lack of awareness of FASD among justice professionals, there was consensus among delegates that there were challenges in identifying FASD within the justice system. These challenges include: (1) that FASD is an “invisible disability”; (2) the short time-frame that individuals spend with criminal justice professionals; and (3) that it is difficult to order or conduct an FASD diagnostic assessment. Despite these challenges, all delegates agreed that identifying FASD is paramount to improving access to justice for these individuals.

As stated by Dr. Clarren, there are often no apparent physical characteristics that predict FASD. Individuals with FASD may appear “normal” and often have good verbal communication skills. Without specific knowledge of the common behavioural characteristics associated with FASD, it is difficult to “flag” or identify someone that may have this disability. Furthermore, behaviours associated with individuals with FASD are also common among offenders that do not have FASD. For example, offenders with and without FASD are often considered to be impulsive, thrill-seeking, and lacking in judgement. Individuals from both groups who are involved with the criminal justice system may have substance abuse and mental health problems, along with limited employment and education histories. Also, co-occurring problems such as anti-social personality disorder, conduct disorder, or attention deficit disorder may be masking an underlying condition of FASD.

Justice professionals, whether they are police, defense counsel, Crown, judges, victim services workers, or corrections officers, only spend limited time with a client. The short period of time spent with each client often results in the professional not knowing much about the client, including if they have a disability. It often takes more time than professionals have to clearly communicate with individuals with FASD to ensure that they fully understand what is being said to them. Also, some behavioural characteristics associated with FASD are sometimes seen by justice professionals as behaviour that suggests disobedience, non-compliance, or aggressiveness. If justice professionals are not aware how FASD may impact an individual, they may not want to get to know their client or work with them any more than the basic minimum to “get by.”

One of the issues identified by conference delegates as requiring more clarity was the court’s ability to order an FASD assessment. Follow-up discussions among colleagues within the Department of Justice Canada helped clarify the situation. Under section 34 of the Youth Criminal Justice Act, a psychological assessment can be ordered at any stage of the proceedings. Section 34 has been used by some judges to specifically order FASD assessments. It appears that section 34 is only used by judges if there is a party willing to incur the expenses of the FASD assessment (for example, the FASD Youth Justice Project in Winnipeg can pay for FASD assessments).
For adults, assessments can be ordered to assess fitness and criminal responsibility issues under section XX.1 of the Criminal Code, but cannot be ordered for sentencing purposes. An amendment was made to the Criminal Code in 2005 to permit designation of other professionals (not only psychiatrists) to conduct assessments to assess fitness issues. No research or consultations have been conducted to determine if this has been interpreted to include neuropsychological assessments when FASD is suspected.

**WHAT IS CURRENTLY BEING DONE TO ADDRESS FASD IN THE JUSTICE SYSTEM?**

Due to time limitations during the conference the organizers were unable to include every program or initiative that is available to clients with FASD who are involved in the Canadian justice system; however, several promising programs and initiatives were highlighted. Interestingly, conference organizers were unable to identify any programming that specifically targeted those in the family or civil justice system. All highlighted programs at the conference specifically dealt with youth or adults with FASD (both suspected and diagnosed) who were in conflict with the criminal justice system.

Two programs that provide FASD diagnostic testing and specialized services to youth involved in the criminal justice system were highlighted. Audrey Salahub, Executive Director of the Asante Centre for Fetal Alcohol Syndrome discussed the Youth Justice FASD Project in Vancouver. Carol Robson, FASD Coordinator for Manitoba Justice highlighted the results from the FASD Youth Justice Project in Winnipeg. Both of these programs have received permanent funding from their respective provincial governments.

Constable Mark Waage operates the Lethbridge Community FASD Justice Project for youth in conflict with the law. He demonstrated how challenging it is for individuals with FASD to understand the court process and how connecting with existing resources in the community can make a significant and positive difference in the outcomes for these youth.

Patricia MacPherson, Senior Research Manager with the Addictions Research Centre of Correctional Service of Canada (CSC) highlighted work that federal corrections is engaging in to identify the prevalence of FASD within their population. CSC is working on developing a screening tool that can be used at intake into the federal correctional system.

Jonathan Rudin, Program Director for Aboriginal Legal Services described the Gladue Court in Toronto and how the court operates by incorporating information about the individual into Gladue reports that are used for judicial decision making. Mr. Rudin did point out that most of his clients with FASD are suspected and not officially diagnosed with FASD.

Doreen Reid, FASD Project Manager, Department of Justice, Northwest Territories highlighted how she is increasing awareness of FASD among justice professionals throughout the territory and how important it is to look at FASD from a disability perspective.

In addition to the formal programs or initiatives mentioned above, it was clear that all of the speakers who are part of the justice process (as judges, counsel, etc) take many steps outside of their traditional service structure to ensure that access to justice is improved for clients with FASD. David Boulding, defense counsel, Ms. Turpel-Lafond, and FASD advocate Leslie Carberry all stated how important building relationships is for improving access to justice for individuals with FASD. There are many justice professionals throughout Canada who are taking the time to learn and respond more appropriately to FASD.
WHAT RECOMMENDATIONS WERE MADE TO IMPROVE ACCESS TO JUSTICE FOR INDIVIDUALS WITH FASD?

Just as we wouldn’t ask a person in a wheel chair to climb the steps of the court house, we should not expect a person with FASD to have the capacity of another person.

Mary Ellen Turpel-Lafond

The over-arching theme addressed at the conference was that the first step to improving access to justice for individuals with FASD is identification and recognition. Every speaker alluded to raising awareness as critical in addressing this issue.

Those who attended the conference learned that in order to recognize FASD, two things must occur: (1) justice professionals must be trained to understand the disability and how it impacts upon the person’s ability to fully participate in the justice system; and (2) the justice system needs to establish a process to identify individuals who may have FASD which includes screening and diagnosis.

The recommendations brought forward during the conference were based on those themes that were highlighted several times throughout the conference, as well as results from the research conducted by the Canadian Institute for Law and the Family. Four main recommendations emerged from the discussions: (1) Education and Awareness; (2) Identification; (3) Information Sharing and Establishing Linkages; and (4) Specialized Programming or Initiatives. These recommendations are expanded on below.

EDUCATION AND AWARENESS

• All justice professionals should be provided with training and material resources on FASD. This includes front line counter staff on to those individuals who work directly with clients on a continual basis such as probation officers and lawyers;
• Training should be consistent and standardized and reviewed by experts to ensure accuracy of content;
• At a minimum, those justice professionals who know about FASD should share that information with other justice professionals;
• Training on FASD should be incorporated into law school and police curriculum;
• Training must include the following: misperceptions about FASD; how FASD impacts the brain; how to recognize if someone may have FASD (e.g., common behavioural characteristics); and strategies on how to communicate more effectively with clients who may have FASD;
• Develop Public Legal Education Information materials for distribution to the general public; and
• Utilize existing training and web resources on awareness of FASD in the justice system.

IDENTIFICATION

• Improve capacity of courts to identify clients with FASD;
• Explore options for screening and diagnoses within the justice system;
• Validate existing pilot screening tools to be used for clients involved in the justice system;
• Conduct prevalence studies in various geographic locations and stages of the justice process to determine the extent of the issue;
• If a diagnosis is made, ensure it is recorded on the individual’s file and can be tracked through the youth and adult systems as well as the criminal and civil systems.

INFORMATION SHARING AND ESTABLISHING LINKAGES

• Explore options for information sharing between and within different provincial/territorial government departments;
• Encourage and explore collaboration between government departments (e.g., education, housing, social services, health);
- Encourage and explore collaboration with community based organizations;
- Increase support during transitioning periods (e.g., establish linkages for youth transitioning into the adult system and those post-release).

**SPECIALIZED PROGRAMMING AND INITIATIVES**
- Develop programming that provides a “circle of support” or “wrap-around services”, where various government and community-based agencies and families are involved to support the individual (and act as an “external brain”);
- Increase justice specific services that are highly structured;
- Explore options for legal advocates or support persons to assist navigation through the system;
- Adapt current cognitive-behavioural models to accommodate the learning needs of individuals with FASD, especially for substance abuse programming;
- Encourage prevention type initiatives that target youth that may end up in the justice system;
- Encourage and explore initiatives that incorporate community capacity into plans.

While there were also several references to criminal law during the conference, no specific Criminal Code amendments were suggested. As indicated before, there were recommendations to examine the courts ability to order an FASD assessment at the trial and sentencing stages. In follow-up to the conference the case law analysis conducted by Professor Roach and Andrea Bailey, Law Clerk, Territorial Court of Yukon, found that FASD has been considered as a mitigating circumstance in some instances and an aggravating factor in others. Case law also shows that FASD has been a factor in long-term offender and dangerous offender designation. As indicated by Professor Roach, there is a real possibility of a Section 10(b) Charter violation (upon arrest to retain and instruct counsel without delay and to be informed of that right). These types of issues should continue to be monitored and explored further.

**WHAT HAS BEEN DONE SINCE THIS CONFERENCE TO ADDRESS THE BARRIERS INDIVIDUALS WITH FASD FACE IN TERMS OF ACCESSING JUSTICE?**

While it is early days yet, a number of activities are already underway to address some of the barriers faced by individuals with FASD when they come into contact with the justice system. Conference delegates agreed on an individual level to share the information they learned at the conference with other colleagues to encourage increased awareness of FASD. Several concrete steps have been taken to continue the momentum of addressing FASD in the justice system. Some of these include:

- Senior decision makers at the conference agreed to discuss access to justice for individuals with FASD when next meeting with their colleagues;
- Conference attendees from the Yukon were invited to a conference follow-up meeting on October 23, 2008 to further discuss how to improve access to justice for individuals with FASD within the territory. Representatives included senior decision makers from territorial ministries of Justice, Health and Social Services, and Education, as well as members of the judiciary, RCMP, First Nations, Canadian Bar Association and FASD advocacy groups;
- The Policy and Communications Branch of the Department of Justice, Government of Yukon is exploring options for improving and simplifying materials used to communicate programs and services to clients of the justice system;
- The Department of Justice Canada and the Public Health Agency of Canada are working collaboratively to synthesize existing materials on training modules for FASD that will be pilot tested on various professionals within the justice system;
• The Yukon Department of Justice, in partnership with Yukon College, will be developing several training modules on FASD for a wide spectrum of justice professionals. This material will build on the work being done by the Department of Justice Canada and the Public Health Agency of Canada and include training specific to Northern needs;
• The Department of Justice Canada and the Yukon Department of Justice are exploring options to conduct an FASD prevalence study at the Whitehorse Correctional Centre; and
• Legal Aid Manitoba and the Department of Justice Canada are exploring options to improve legal services to clients of the criminal and civil justice system who have FASD.

**CONCLUSION**

Professionals in the field know that making a real difference in the lives of individuals with FASD will come from working collaboratively between and within federal, provincial, and territorial government departments and working closely with individuals, families, and communities. Improving awareness of this issue is the most important step in addressing access to justice for individuals with FASD. Most initiatives addressing FASD do not require an increase in human and financial resources. This conference was a stepping stone and conference organizers hope that the momentum will continue and that each delegate will continue to work individually and collectively to improving access to justice for individuals with FASD.

_The infusion of money and resources that we need now to provide the structure and supports to assist people with FASD are nothing in comparison to the long-term cost of having these people in our society unsupported. The cost to the health care system, the justice system, to the social welfare system, etc. we need to be able to look long term._

Fia Jampolsky
CONFEREE SPONSORS, SPEAKERS AND STEERING COMMITTEE MEMBERS

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- Department of Justice Canada - Policy Sector and Aboriginal Court Worker Program
- Yukon Department of Justice
- Yukon Liquor Corporation
- Public Health Agency of Canada
- Yukon Law Foundation

This success of this event would not have been possible without the contributions of the speakers and moderators who shared their expertise and passion for this issue:

- **David Boulding**, Lawyer
- **Sandra Bryce**, Victim Services Manager, Government of Yukon
- **Lesley Carberry**, Parent and Advocate
- **Dr. Sterling Clarren**, CEO and Scientific Director, Canada NW FASD Research Network and Clinical Professor of Pediatrics, University of British Columbia and University of Washington
- **Shelly Dupont**, Senior Policy Advisor, RCMP - National Aboriginal Policing Services Branch
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- **Kay Kelly**, Project Director, FASD Legal Issues Resource Center, Fetal Alcohol and Drug Unit, University of Washington
- **Heino Lilles**, Deputy Judge, Territorial Court of Yukon
- **Roderick MacDonald**, F.R. Scott Professor of Constitutional and Public Law, McGill University
- **Patricia MacPherson**, Research Manager, Addictions Research Centre, Correctional Service of Canada
- **Mike McIsaac**, Wellness Counsellor, Teslin Tlingit Council
- **David McWhinnie**, Senior Counsel, Public Prosecution Service of Canada, Yukon Office
- **H. Rae Mitten**, PhD candidate, Lecturer and Researcher, University of Saskatchewan
- **Douglas Moen**, Deputy Minister of Justice/Deputy Attorney General, Government of Saskatchewan
- **Doreen Reid**, FASD Project Manager, Department of Justice, Government of Northwest Territories
- **Kent Roach**, Professor, Faculty of Law, University of Toronto
- **Carol Robson**, Special Needs/FASD Coordinator, Manitoba Justice
- **Karen Ruddy**, Chief Judge, Territorial Court of Yukon
- **Jonathan Rudin**, Director, Aboriginal Legal Services of Toronto
- **Audrey Salahub**, Executive Director, Asante Centre for Fetal Alcohol Syndrome
- **Mr. Justice Richard D. Schneider**, Toronto Mental Health Court, Ontario Court of Justice; Assistant Professor, Department of Psychiatry, Faculty of Medicine, and Adjunct Lecturer, Faculty of Law, University of Toronto
- **Allan Seckel**, Deputy Attorney General, Government of British Columbia
- **Bonnie Tulloch**, Special Advisor on Northern Issues, Public Prosecution Service of Canada
- **Mary Ellen Turpel-Lafond**, Representative for Children and Youth, Province of British Columbia
- **Mr. Justice Ronald Veale**, Senior Justice, Supreme Court of Yukon
- **Mark Waage**, Community Project Officer, FASD Program, Lethbridge Regional Police
- **Stuart Whitley**, Deputy Minister of Health & Social Services, Government of Yukon
The Steering Committee is made up of a wide variety of participants in the justice system:

- **Dennis Cooley**, Deputy Minister, Department of Justice, Government of Yukon, *Steering Committee Chair*
- **Lori Duncan**, Director, Health and Social Development, Council of Yukon First Nations
- **Charlotte Fraser**, Research Analyst, Research and Statistics Division, Department of Justice Canada
- **John Greschner**, Deputy Representative for Children and Youth, Province of British Columbia
- **Tracy Hardy**, Superintendent, Royal Canadian Mounted Police “M” Division
- **Fia Jampolsky**, Canadian Bar Association, Yukon Branch
- **Heino Lilles**, Deputy Judge, Territorial Court of Yukon
- **Richard Meredith**, Regional Director, Yukon Branch, Public Prosecution Service of Canada
- **Stephen Mihorean**, Director, Research and Statistics Division, Department of Justice Canada
- **Judy Pakozdy**, former Executive Director, Fetal Alcohol Spectrum Society Yukon
- **Natasha Phillips**, Policy Development Officer, Department of Justice, Government of Yukon
- **Rachael Sewell**, Project Assistant, Department of Justice, Government of Yukon
- **Rod Snow**, Past President, Canadian Bar Association, Yukon Branch
- **Lana Wickstrom**, President, Canadian Bar Association, Yukon Branch