

FASD and the Justice System: Finding Solutions

Keynote 9-10 am

FASD and the Criminal Justice System

This presentation is designed to address the intersection of FASD and the Criminal Law and will be delivered by an experienced criminal lawyer, a law professor and a forensic psychiatrist. The presentation will provide considerable information about FASD so that one can appreciate the experience of those living with FASD and how they become enmeshed in the criminal process. Further, the presentation is designed to show that the criminal law itself has not, until recently, recognized this experience as making a material difference to the liability and responsibility of those living with FASD.

Professor Mansfield Mela MBBS, FWACP, FRCPsych, MSc, FRCPC

Dr. Mansfield Mela, Professor, Department of Psychiatry, University of Saskatchewan, is an academic forensic psychiatrist in the University of Saskatchewan and a founder of the forensic subspecialty in Canada. As an expert he has been called upon to testify on various aspects of the interface of law and psychiatry. This includes criminal and civil matters. He is an associate faculty member of the College of Law and teaches medical and law undergraduate and post graduate students. He is a member of the Saskatchewan Review board and member of the Saskatchewan Physician Health program. He is the head of the interdisciplinary research team made of academic professional in the area of forensic mental health in the University of Saskatchewan. His research focuses on psycholegal aspects of forensic mental health, with specific interests and expertise in the area of Fetal Alcohol Spectrum Disorder (FASD). He brings a clinical perspective to his research questions and seeks to generate research and implement knowledge to achieve evidence-based practice amongst forensic mental health and FASD populations.

Professor Glen Luther

Professor Luther has published extensively in the mental health law and criminal procedure areas. Before joining the faculty at the College of Law Professor Luther was a criminal lawyer in Alberta, Canada, for many years. He has also held teaching positions at the University of Calgary (1999-2002), Victoria University of Wellington, New Zealand (1986-89) and at Osgoode Hall Law School, York University (1985-86). He was awarded the teaching excellence award at the College of Law in 2007 and the Joseph Crowshoe Award for outstanding teaching contributions to Indigenous students at the University of Calgary in 2002. His academic interests include Indigenous people and the criminal justice system, police powers, 'the Charter of Rights and Freedoms', criminal law and sentencing, trial procedure, evidence and law and psychiatry. He is the co-author of the book, 'Detention and Arrest', 2Ed. with Professor Steve Coughlan of Dalhousie University, published in 2017 by Irwin Law. He was founding executive member of the Centre for Forensic Behavioural Science and Justice Studies, is a

member of the advisory board of CREATE Justice (with a focus on access to justice issues) and is an advisor to Classic Inc., poverty law clinic in Saskatoon. He is also a member of the Saskatchewan (Criminal Code) Review Board. He has presented at many Trial Lawyers' conferences throughout Western Canada and is a regular presenter at National Judicial Institute conferences and seminars. He is a descendant of the Ojibway people of Ontario, Canada.

Session 1- A 10:15-11:15 am

The FASD Patient Journey Project

In 2019, Alberta's FASD Cross Ministry Committee initiated a patient journey project to identify what was working, what was not working and what was missing in services and supports delivered to persons with FASD and their families. The project team conducted 130 interviews of caregivers, service providers and persons with FASD in 36 communities across Alberta. After analyzing a plethora of qualitative and quantitative data, the project team has highlighted the unique and complex needs of persons with FASD, their caregivers and their service providers.

Randal Bell

Randal Bell is employed by Alberta Health Services as the Senior Advisor for Indigenous Populations. He is currently the Co-Chair of Alberta's FASD Cross Ministry Committee. Randal has held various management positions in social care and health organizations in Saskatchewan and Alberta, the UK and New Zealand. Randal holds a Bachelor's Degree in Social Work and has certification in Project Management and Health Quality Improvement. Randal is the founder and owner of MacKenzie Indigenous Health Solutions. Randal is a proud member of the Montreal Lake Cree Nation of Saskatchewan and resides in Edmonton with his kiwi wife Liv, their baby MacKenzie and their bulldog "Gizzy".

Session 1 – B 10:15-11:15 am

The Intersection between FASD & Justice System

This presentation will examine how FASD intersects with different branches within the Justice System. Through these branches of the Police, Courts, Corrections and through Re-Integration. This work will show how individuals with or suspected FASD navigate through the Justice System, with the goal of reducing recidivism and influencing change in how the Justice System/Community understands and responds to persons impacted by FASD.

Peter Wigand

Constable Peter Wigand has been working with youth and families impacted by FASD for 20 years. Constable Wigand began his career in Children Services in Lethbridge, Alberta working with high risk youth and later worked for 10 years as a Child Protection Worker. In 2013 , Constable Wigand made a

career change to policing with Lethbridge Police Service, where he was continued to serve youth as a Patrol, School Resource Officer and presently the FASD Program Officer.

In this role Constable Wigand engages with youth who are suspected or have confirmed diagnosis of FASD to provide support to the youth and caregivers through their journey with the Criminal Justice System, as well as to support the system in responding more effectively with FASD suspected/diagnosed youth. Constable Wigand routinely provides assistance and education to Police members and Justice personnel about FASD.

Sabrina Hacker

Sabrina worked in the law enforcement as the Dangerous Dog Officer for 11 years. Sabrina became a certified member of NACA level three and was recognized as being the highest trained officer in Canada. After the birth of her twins, Sabrina went back to school majoring in Justice/Corrections. Upon graduation Sabrina was approached to create a diversionary Justice Program that would identify the struggles FASD clients face in main stream justice. In 2006, Sabrina saw the launch of what is now the FASD Adult Justice Program. Sabrina has held the position of Program Coordinator and FASD training for the past 12 years.

Session 1 – C 10:15-11:15 am

Will Drug Treatment Court work for someone with FASD?

Drug Treatment Courts are specialized courts designed to reduce substance use disorder, reduce the crimes associated with the drug use and ultimately reduce recidivism through a collaborative process of intensive judiciary supervision and community rehabilitation; Drug Treatment Courts bring together criminal justice, treatment, and community partners by supporting individuals who are facing a substantial jail sentence to become contributing members of society. This process involves integrating addictions treatment and community services with justice system case processing.

Grace Froese

Grace Froese is the Director of the Edmonton Drug Treatment Court Service and as part of a recent Provincial Drug Court expansion, is responsible for the training and development of 5 new drug courts in Alberta. Grace has extensive experience with adult and youth correctional services, has worked extensively with correctional services and health services in addictions program facilitation and counselling. Grace worked with provincial wide FASD Initiatives and Strategic Services Ministry initiatives and projects with Alberta Justice & Solicitor General. Grace is on the board of the Canadian Association of Drug Treatment Court Professionals, the International Association of Treatment Court Professionals and works with the CICAD training team in the development of Drug Courts internationally.

Session 2 – A 11:30 am – 12:30 pm

Outreach Panel Discussion

Three teams from the Lakeland Centre will present information on how they support an individual with FASD. The complex challenges and life experiences that individuals with FASD experience may lead to increased risk for a range of adverse outcomes with involvement in the criminal justice system. These teams will share strategies and success stories, how they support and work with community stakeholders to ensure clients success.

Christina Williams

Christina Williams is the new Employment Coordinator at Lakeland Centre for FASD. She has a bachelor degree in Sociology from King's University. Christina has spent the last 10 years working with children who have autism and FASD. She is excited to work at LCFASD to help individuals fulfill their desires and goals. Christina's passionate about helping grow the strengths needed for seeking employment, education and other opportunities.

Lisa Swan

Lisa has worked at the Lakeland Centre for FASD for the past 8 years. Starting out as frontline on the 2nd Floor Women's Recovery Centre, moving to the role of Programmer for the 2nd Floor. After 5 years on the 2nd Floor, Lisa moved down to the main floor services as an FASD Outreach Coordinator, and then in April of 2019 took on the role of FASD Outreach Supervisor. Utilizing training opportunities and hands on work with clients, Lisa has come to have a better understanding of the complex needs of our clients. Believing that building relationships with our clients, caregivers and community supports is the key to supporting our individuals.

Pateresa Winter

Pateresa Winter, is the Transitions Coordinator for the Lakeland Centre for FASD (LCFASD). She moved to Cold Lake 3 years ago to pursue a post-secondary education in Social Work. Pateresa is a Registered Social Worker and in her current role as Transition Coordinator, she works one-on-one with youth aged 15-24 with FASD. She works with clients and their supports so they can start thinking about and planning their future and identify their areas of need to move into adulthood smoothly.

Session 2- B 11:30 am – 12:30 pm

In-Reach Project

The project was developed to provide FASD awareness, prevention, education and best practice for correctional facility staff and residents. Since the prevalence of FASD in correctional facilities across the country is disproportionately high, it was determined that increased FASD education would be beneficial. This would help facility staff to identify residents who may be impacted, develop appropriate programming and promote successful reintegration planning to decrease recidivism. FASD Sharing Circles are utilized for residents to receive FASD prevention and awareness information, reduce the

number of births affected by prenatal alcohol exposure, create an opportunity for participants to share their stories and experiences.

Donna Kristiansen

Donna joined the Northwest Central FASD Network team in March 2012. As part of the management team, Donna has been involved with the exciting opportunity to collaborate in the development of the In-Reach project delivered to correctional facilities in the Edmonton area. In addition to being a part of the Network's visionary team, Donna enjoys spending time with her husband, their two growing teenagers and two fun loving dogs.

Jennifer Pasic

Jennifer has been with Northwest Central FASD Network for the past 6 years in the role of Clinic Coordinator and In-Reach Facilitator for network and has a nursing background. Jennifer regularly attends workshops and conferences with an emphasis on FASD, mental health and corrections. In her spare time she enjoys spin classes and hanging out with her pomsies.

Yvette Kraychy

Yvette started her journey with the NWC FASD Network in 2016 as a FASD Keyworker. She started Co-facilitating the In-Reach project in 2018 providing FASD 101 training to staff and residents in correctional facilities. Yvette also facilitates sharing circles with residents. This provides the opportunity to offer prevention conversation, supports, strategies, and advocacy during in facility assessments. Yvette lives in the County of Thorhild with her husband and children.

Session 2 – C 11:30 am – 12:30 pm

Brain Games

Join Danna in the exploration of the brain and how the brain functioning leads to behaviors that are often difficult to understand. Participants will learn about brain functions through "brain games" that are designed to encourage understanding, create empathy and explore strategies related to successful interactions with children, youth and adults who are at risk of becoming involved with the Justice System.

Danna Ormstrup

Danna is the Executive Director of the Foothills Fetal Alcohol Society, a non profit Society that provides services to rural communities in Southern Alberta. She began her career working with children, youth and adults with Learning Disabilities and continued working with children in a variety of school settings. She also worked as a manager with a rural agency that places people with developmental challenges in inclusive work and community settings. Danna and her family are residential support providers to a young man with developmental challenges.

Danna believes that complicated behaviors are often misunderstood. She believes that with compassion, understanding and a creative spirit great things can happen when responding to children and youth.

Keynote 1 -1:30 pm

Harold Johnson

Harold R. Johnson is the author of five works of fiction and two works of nonfiction. His nonfiction work *Firewater: How Alcohol Is Killing My People (and Yours)* was a finalist for the Governor General's Literary Award for nonfiction. Born and raised in northern Saskatchewan to a Swedish father and a Cree mother, he is a graduate of Harvard Law School and managed a private practice for several years before becoming a Crown prosecutor. Johnson is a member of the Montreal Lake Cree Nation and lives in the north end of Saskatchewan, with his wife, Joan.

Session 3 – A 1:30 – 2:30 pm

Prevention Panel Discussion

Three teams from the Lakeland Centre will provide insight into our unique programs that supports individuals who are statistically more likely to be involved with the justice system. The broader relevance will be to highlight these programs that has been created to support individuals to succeed.

Candice Sutterfield

Candice is the Supervisor for Parent Child Assistance Program (PCAP) with the Lakeland Centre for FASD. Candice is well known in the community for her involvement and dedication to promoting community services and champions for changes and programs to help and assist women at risk. She worked front line with women at risk for 15 years prior to becoming the PCAP Supervisor with the Lakeland Centre for FASD. Candice has knowledge and involvement with aboriginal woman's health, prevention of FASD and mental health issues associated with women at risk.

Candice has attended many workshops and conferences on Assessment and Harm reduction to help provide the resources needed in her community. She has also helped create and implement programs for the hard to reach women to meet their needs. Along with knowledge, work experience, dedication and commitment, Candice strives to provide women at risk, options, education and resources to promote health and prevention of Fetal Alcohol Spectrum Disorder.

Kayla Vick

Kayla is the Supervisor of the 2nd Floor Women's Recovery Centre located in Cold Lake, AB has been a 2nd Floor team member for 5 years. Kayla holds a Bachelor of Arts with a specialization in Gender Studies and Sociology and a Master of Industrial Relations from Queen's University in Kingston, Ontario.

Megan Tucker

Megan Tucker has been in the disability field for 18 years, 12 of those years working specifically with FASD. She graduated from Grant MacEwan as a Rehabilitation Practitioner then studied Humanities at the University of Alberta. She is currently the Training Coordinator at the Lakeland Centre for FASD as well as a Prevention Conversation Facilitator for the Lakeland Metis Network. Meagan has been involved with the Network for 11 years in multiple capacities and has gained a wealth of knowledge about FASD. Megan's role with the Centre has changed over the years starting with creating and implementing a one of a kind Transition to Adulthood Program for Youth with FASD followed by some time as a FASD Children's Coordinator supporting families and schools after a child went through the diagnostic process.

Session 3 – B 1:30 – 2:30 pm

COAST: Supporting Wellness for People with FASD and Justice Involvement

COAST is a cross-ministerial initiative between Alberta Health Services, Addictions and Mental Health, the Government of Alberta and both Disability Services and Children Services. The program aims to enhance the community's capacity to provide effective and enriched supports to children, youth, and adults with complex needs. This is achieved by empowering people through collaboration, engagement, and the recovery of hope, purpose, and wellness. COAST uses an integrated approach based on best practices for people with developmental disabilities and mental health concerns. This includes the Recovery Model of Care, Human Needs Model, Trauma Informed Care, Biopsychosocial Model and Positive Psychology.

Donna Brothers-Palfrey

Donna Brothers-Palfrey has a passion for assisting people with intellectual and developmental disabilities as well as their families and supports to improve their overall wellness and live a meaningful life. Donna has over 20 years of experience working in the field, including as a youth crisis intervention worker, family support worker, teaching assistant, support staff, team leader, and currently as a Behavioural Consultant for the Community Outreach Assessment and Support Team (COAST). She has a Masters of Arts (MA) in Political Science from Dalhousie University and a Bachelor of Arts (BA Honours) in Criminology and Political Science from the University of Windsor.

Duncan Easey

Duncan Easey has been working as a Behavioural Consultant for the Community Outreach Assessment and Support Team (COAST) since 2018. He has a Correctional Services Diploma and has extensive experience working at John Howard Society with high risk and high needs offenders within a federal halfway, youth shelter and outreach services. He is looking forward to the opportunity to share his experiences supporting individuals with FASD in the Justice System with service providers and community to empower them to provide practical, person-centered and strength-based care.

Session 3 – C 1:30 – 2:30 pm

Integrated Justice Program

TBA

Andrea Kotlar-Livingston

Andrea Kotlar-Livingston is the Executive Director of the FASD Network of Saskatchewan. Andrea has a passion for advocacy and helping to ensure people's voices are heard at all levels. Her background is in Social Work and harm reduction with a focus on community engagement. Over the past three years as the Executive Director, Andrea and her team have led the Network to growth and are taking on new challenges while providing support and education across Saskatchewan and beyond. She is proud of the community connections and projects the Network is part of and hopes to continue and expand collaboration across Saskatchewan and Canada.

Michelle Stewart

Dr. Michelle Stewart is an Associate Professor at the University of Regina. Michelle's projects focus on the over-representation of Indigenous peoples in the justice and child welfare systems and the ongoing role of colonization and systemic racism that creates racialized disparities in Canada. Michelle focuses on high-impact frontline projects, research, evaluation and policy work. She has released the Framework for Action on TRC Call To Action #34 and is project lead for the Integrated Justice Program – a three-year initiative focused on TRC Call to Action #34 through innovative programs practices to address the over-representation of Indigenous peoples with disabilities in the justice system.

Robyn Pitawanakwat

Robyn Pitawanakwat is an Anishinaabe person and member of Whitefish River First Nation. Robyn is a frontline worker with the Integrated Justice Program and a certified Gladue Writer. Robyn's background includes being a family support and foster parent for someone with FASD as well as a community research associate developing resources to support families and individuals with complex needs like FASD. Robyn is an advocate for decolonizing child welfare and justice systems.

Session 4 – A 2:45 – 3:45 pm

Under the Microscope: Adult FASD Diagnosis Under Scrutiny in the Courtroom

This session will review the adult FASD diagnostic process and the roles of various team members. The presenters will discuss the difficulties of providing an FASD diagnostic assessment to individuals involved in the criminal justice system and offer suggestions on how to mitigate these difficulties. Although many individuals with FASD come in contact with the criminal justice system for minor offences such as thefts and breaches; many are involved for more serious crimes, including murder. This presentation will highlight the scrutiny experienced by individuals with FASD in the criminal justice system.

Monty Nelson

Monty Nelson has been a psychologist since 1998 and is an Adjunct Professor of Educational Psychology at the University of Alberta. He is in full-time practice conducting neuropsychological assessments in Edmonton, rural Alberta, and the northern territories, and has been consulting to various adult FASD clinics since 2008. Together with the Lakeland Centre for FASD he also does training about the FASD diagnostic process, and has presented provincially, nationally and internationally on assessments of adults with FASD. Several years ago, he even edited a book together with Justice Marguerite Trussler entitled *Fetal Alcohol Spectrum Disorders in Adults: Ethical and Legal Perspectives*.

Tia Luedee

Tia Luedee is an FASD Diagnostic Coordinator at the Lakeland Centre for FASD. Her role is to coordinate, prepare and facilitate FASD diagnostic clinics for children and adults prenatally exposed to alcohol. Prior to her role as an FASD diagnostic coordinator, Tia was employed as a court support worker with Victim Services, for which she supported crown witnesses during the criminal justice process. Tia is completing her Bachelor of Social Work at the University of Calgary and has a special interest of FASD and the criminal justice system.

Session 4 – B 2:45 – 3:45 pm

What is happening in FASD Research?

This session will introduce the participant to the Canada FASD Research Network and its work. An overview of current research work in FASD related to the Justice and related fields of child welfare, interventions and diagnosis. Invited researchers will also share their current work in the field, followed by a discussion with participants of areas that would be beneficial to have evidence.

Audrey McFarlane

Ms. McFarlane is the Executive Director for the Canada Fetal Alcohol Spectrum Disorder Research Network. She was one of the founders of the Lakeland Centre for FASD and led this organization for almost 20 years. In the past 20 years she has been passionate about working with individuals with FASD, their families and service system to develop best practice service models in rural diagnosis; community outreach and prevention. Audrey has presented at the local, regional, national and international level on many issues related to FASD. As Executive Director of the National Research Network in FASD, she directs and encourages research in areas of FASD that is meaningful to families, individuals with FASD, policy makers, service providers and to promote healthy pregnancies.

She lives in a small rural community in the province of Alberta, Canada with her husband. She has two children who are young adults. She is also the primary caregiver of her aging parents and sister with Down Syndrome.

FASD continues to challenge and motivate Audrey to find and share solutions for meeting the needs of those engaged in this field.

Session 4 – C 2:45 – 3:45 pm

Youth with FASD in the Criminal Justice System: An Overview of the Research and Implications for Practice and Policy

This presentation will begin with an overview of research focused on youth with FASD who are involved in the criminal justice system. Evidence on prevalence, service provider awareness and knowledge and intervention initiatives will be shared. Finally, studies related to the complexity, needs and strengths of youth with FASD who are justice-involved will be discussed, along with implications for practice and policy.

Kaitlyn McLachlan

Kaitlyn McLachlan is an Assistant Professor in the CPA-accredited Clinical Psychology program at the University of Guelph. At the core of her work, is the application of clinical and developmental psychological theory in understanding developmental risk factors that lead to adverse outcomes for vulnerable youth. Her current program of research centres around Fetal Alcohol Spectrum Disorder (FASD) and neurodevelopmental disability across the lifespan, with a focus on the criminal justice system. Dr. McLachlan's research interests include understanding neurobiological and environmental risk markers associated with adverse outcomes in FASD, the importance of establishing valid and reliable screening and diagnostic approaches and better understanding risk and protective factors associated with criminal justice system trajectories. The overall focus of her research and clinical work seeks to improve developmental and social outcomes for vulnerable youth. She applies an interdisciplinary and collaborative approach to her research, with current projects using EEG and eye movement recording to identify novel neurobiomarkers for FASD in the criminal justice context. Her broader forensic interests include comprehension of rights at interrogation, fitness to stand trial, violence risk assessment and professional practices among forensic clinicians.

Katherine Flannigan

Dr. Katherine Flannigan completed her PhD in School and Clinical Child Psychology at the University of Alberta and post-doctoral research training as a fellow with the Kids Brain Health Network in the Department of Pediatrics at the University of British Columbia. She is a Registered Psychologist in the provinces of Alberta and British Columbia. Dr. Flannigan's research and clinical interests are focused on the functional implications of atypical brain development, as well as factors that influence high risk and criminal behaviour among vulnerable populations. She has been involved in the field of Fetal Alcohol Spectrum Disorder since 2006, both through research and as a service provider with children, adults, and families affected by the disability.

Conference Schedule

7:45am -8:45am- Pre-Training Video - *Understanding an Invisible and Under Diagnosed Disability, FASD-* Megan Tucker

8:45am- 9:00am- *Opening Remarks-* Lisa Murphy

9:00am- 10:00am- *FASD and the Criminal Justice System-* Glen Luther and Mansfield Mila (Keynote)

10:00am- 10:15am- Virtual Break

10:15am- 11:15am (Session 1A)- *The FASD Patient Journey Project-* Randal Bell

10:15am- 11:15am (Session 1B)- *The Intersection between FASD & Justice-* Peter Wigand and Sabrina Hacker

10:15am- 11:15am (Session 1C)- *Will Drug Treatment Court work for someone with FASD?-* Grace Froese

11:15am- 11:30am- 2nd Virtual Break

11:30am- 12:30pm- (Session 2A)- *Outreach Panel Discussion-* Christina Williams, Lisa Swan, and Pateresa Winter

11:30am- 12:30pm- (Session 2B)- *In-Reach Project-* Donna Kristiansen, Jennifer Pasic, Yvette Kraychy

11:30am- 12:30pm- (Session 2C)- *Brain Games-* Danna Ormstrup

12:30pm- 1:00pm- Lunch

1:00pm- 1:30pm- *How Alcohol is Killing My People (and Yours)-* Harold Johnson (Keynote)

1:30pm- 2:30pm (Session 3A)- *Prevention Panel Discussion-* Kayla Vick, Candice Sutterfield, and Megan Tucker

1:30pm- 2:30pm (Session 3B)- *COAST; Supporting Wellness for People with FASD and Justice Involvement-* Donna Brothers-Palfrey, and Duncan Easey

1:30pm- 2:30pm (Session 3C)- *Integrated Justice Program-* Michelle Stewart

2:30pm-2:45pm- 3rd Virtual Break

2:45pm-3:45pm (Session 4A)- *Under the Microscope: Adult FASD Diagnosis Under Scrutiny in the Courtroom-* Monty Nelson, and Tia Leudee

2:45pm- 3:45pm (Session 4B)- *What is happening in FASD Research?-* Audrey MacFarlane

2:45pm- 3:45pm (Session 4C)- *Youth with FASD in the Criminal Justice System: An Overview of the Research and Implications for Practice and Policy-* Kaitlyn McLachlan, and Katherine Flannigan

3: 45pm- 4: 00pm- *Closing Remarks-* Lisa Murphy