

May 13, 2005

Mr. Rob Merrifield, MP, Yellow Head  
House of Commons  
Ottawa, Ontario

Dear Mr. Merrifield,

I am writing in response to your spring newsletter concerning reforming our criminal justice system.

I am the parent of seven children, four adopted and three biological children, ranging in age from a 21 year old daughter to 8 year old twin boys. I have a Bachelor of Arts degree in child psychology from Brock University in St. Catharines, Ontario. Three of our adopted children were diagnosed with Fetal Alcohol Spectrum Disorder approximately 10 years ago. I have since attended numerous workshops, conferences and seminars on FASD. I have researched and read everything I could find on the subject, trying to learn more about my children and how to help them. I have gone on to give my own presentations at conferences, had my work published in college textbooks as well as a recently released book entitled "Damaged Angels" by Bonnie Buxton.

I believe we have been totally wrong about how to deal with criminals. We do not need more laws, we do not need more money thrown at the justice system, we do not need more jails. We do not need harsher punishment because, as I have learned over the last ten years, estimates range from 60-80% of those incarcerated in our jails have FASD. This totally preventable disability is characterized by behaviours resulting from brain damage as a consequence of prenatal exposure to alcohol. The most notable behaviours are: poor impulse control, poor judgement and an inability to connect their actions to resulting consequences – ie: learn from their mistakes. As a result of this brain damage they do NOT learn from being incarcerated, they do NOT connect going to jail with their own behaviour and consequentially sending them to jail is useless. Does "repeat offender" sound familiar?

Please bear with me and allow me to share my own learning experience with my one son. He was 12 years old when he was diagnosed with FASD. Until then I had no idea why he behaved as he did and did not learn from consequences. The diagnosis came, almost, as relief as it explained so much but I figured I simply had to find out how to "fix" it and all would be well. For the most part he was a polite, well-behaved young man who sometimes did some odd things but, I thought, kids will be kids! He had a tendency to steal and being the responsible, law abiding citizen that I am I set out to teach him not to steal as I did not want him to end up in jail. The first time he stole was in grade one when he stole a package of fruit snacks from a classmate. The consequence was that he had to do some additional, undesirable chores to earn the money to buy her a box of these snacks, he wrote a note of apology and we went over to her house for him to deliver and apologize in person. He was not deterred. This situation happened repeatedly and repeatedly I followed through on the consequences I felt were necessary – a writing of a letter of apology, chores to earn money to make restitution, facing his "victim" and being grounded for a period of time that became increasingly longer as he continued to be undeterred. When he was 10 I was flabbergasted when he wrote a letter of apology for yet another instance of theft and he wrote "I am sorry I stole your pogs but I figured it would be ok as long as I didn't get caught!" I couldn't believe that a child raised in my home would come to that conclusion and said as much to him. What I failed to realize at that time was that his concept of ownership was at the level of a two year old – "If I see it and I want it then it is mine"

When he was diagnosed I still did not "get it" (IE: understand this aspect of his disability). When he was 14 we moved to a farm and he started attending a rural school. He was invited to join the local 4H beef club and asked permission to do so. As we had just moved to the farm we did not have the funds to purchase any cattle as yet. As luck would have it, both my husband and I required minor surgery around the same time and felt unable to fulfill the volunteer requirements of being 4H "parents". We apologized to him and told him we would work on it for the following year. A couple of days later a neighbour, whose son was in my son's class, called to inquire about our son joining 4H. When I explained our circumstances, he was wonderful. He offered to allow our son

to raise two of his cows as a 4H project. He would deliver the two cows, all the required feed and help our son learn how to look after them. When I reiterated that we were not in a position to fulfill the volunteer requirements at this time he responded with, that's no problem, we all take turns, your turn can be next year. And so it all came together. Our son took great pleasure in working with his cows, he had them eating out of his hand and halter trained by Christmas while others in the club still couldn't even catch theirs yet. I was very proud of him and how dedicated he was to the project. Many neighbours were impressed and offers of summer employment came pouring in.

In March, the farmer, who owned the cows came over to talk to us because he wanted to take the cows back to his place to breed them, put them in with the bulls. But he offered that our son could take the bus from school with his son and work with his calves and my husband could pick our son up on his way home from work. This worked for about two weeks until I received a call from the farmer's wife, who was very uncomfortable and reluctant to tell me why she was calling. She finally revealed that, although she didn't want to make any accusations because she couldn't believe our son was the culprit, he had been the only one at their place, other than their own family, and things had gone missing. My heart sunk into my toes. I told her I would check and call her back. I went into my son's room and discovered numerous "trinkets", etc., (nothing of any great value to him) hidden in boxes. I confronted him with the evidence and asked him what this was all about. He struggled to answer. We drove over to the neighbour and presented her with the box of her belongings. She, understandably, burst into tears and asked our son "Why, Why would you do this to us, we have bent over backwards to help you, we have opened our home to you and this is how you repay us?" I looked at our son and said "Don't you have anything to say?" He looked confused and asked me "Sorry?" as if to ask "is that the right thing to say?" When we got into the car I asked him if he realized what he had done, the consequences of his actions, did he understand? He replied with "I didn't think anything would happen"

At this point he was approaching his 15<sup>th</sup> birthday and I felt a panic set in, I had to teach him not to steal or he would end up in jail. I called the FASD support Network in B. C. and talked to several "experts" in the area of FASD and asked them how to teach my son not to steal. They replied with "you cannot, you have done everything you can to try and his brain damage does not allow him to learn that". I questioned how "could I keep him out of jail if he couldn't learn not to steal". The reply was "he must be supervised 24/7. Disbelief washed over me and so I called for other opinions from the President of the Society for Special Needs Adoption. I talked to her at great length. She was a fountain of knowledge and experience having been an adoptive mother and foster mother of over 25 children. Her response was the same, you cannot teach him not to steal because he does not have the capacity to learn. I called the Neuropsychologist who had expert witness status regarding FASD in the courts and asked her about this, her reply was the same, he CANNOT learn not to steal, the only way to keep him out of jail is through 24/7 supervision. This is difficult to comprehend when talking to our son. He appears "normal". He has excellent verbal skills, he took regular classes and was an average student, and an excellent artist. He won several poster contests, the Legion Remembrance Day contest and even an RCMP poster contest. He has been described as quite a handsome young man, who is polite, pleasant and helpful. How could it be that he could not understand that stealing is wrong?

If it can be said, the one "curse" of FASD is that it is an invisible disability. It can present itself in such subtle ways that you have to live with it to see it. Many of these individuals are labeled as bad or it is assumed they grew up in a poor environment and/or poor parenting. They spend their lives being "written off" or punished for something over which they have no control. You cannot punish them out of or love them out of this disability! Just like you cannot teach someone with no legs how to walk, you cannot teach someone with impaired executive functioning how to behave! They need crutches for their brains in the form of a structured, supportive environment. Both these individuals AND society need to be protected from their poor judgement and lack of impulse control. Putting them in jail serves the same purpose as imprisoning someone with no legs for not being able to walk! BUT, jail has become the default social safety net for these individuals.

Many of them appear to be rehabilitated while in prison because they function in an acceptable fashion. But this is because of the structured environment and the lack of opportunity to get into trouble. Upon release from

prison, due to their impaired executive functioning, they are unable to cope with the choices available to them in the larger world and invariably end up in trouble once again. Your classic repeat offender!

What is the answer? First and foremost we need to accept this condition is permanent and that both they and society need to be protected from their own poor judgement. They need to be protected from those who would be a negative influence on them as they are easily manipulated and led down the wrong path. The best solution for those who suffer from FASD is a similar, structured environment that is provided in prison but without the harshness, an environment provided with the understanding and compassion and guidance with which one would deal with a four year old offender as this is the social and emotional level at which most of these individuals function even though they present with higher functioning verbal skills and physical appearance – they can talk the talk but they cannot walk the walk.

We need facilities and a supportive environment that will meet their unique needs and prison does not meet those needs in an appropriate way. Longer and harsher jail sentences CANNOT and WILL NOT change behaviours that are a result of FASD.

Many of these children are recognized as troubled by the school system at a very young age. When the schools cannot deal with them they are “kicked” out into nothing, there is nothing for them until they get caught breaking the law and then they are in prison. This is the biggest hole in the system and where most of these kids fall through the cracks!

FASD is 100% preventable but 100% incurable. We have the ability to eliminate this leading cause of disability in our children within one generation but in order to do that we need to quit sweeping it under the carpet of denial and confront our own love affair with alcohol! We also need to quit playing the blame and shame game on the birth mothers of these children. I was initially quite angry at the birth mother’s of my children for doing this to them, then I met several birth mother’s of affected children and saw the grief and guilt they suffered because of what had happened to their children. I have now come to believe that no mother would deliberately set out to harm their baby, it happened because of a lack of knowledge, or being so consumed by an addiction they were unable to stop or because they themselves suffer from FASD.

Mr. Merrifield, imagine our prisons 80% empty because we have eliminated FASD! Imagine the savings in costs associated with the crimes, legal costs, court costs, policing costs as well as the costs to the victims of the crimes! It is estimated that every individual with FASD will cost the Canadian Taxpayers over 2 million dollars in extra services in their lifetime. I find it frustrating that it is not being dealt with in a more urgent way. What is the difference between FASD and polio? Both cripple our children, we know what causes both, both are preventable and yet when polio first hit it was headline news and all stops were pulled to find out what caused it and how to prevent it – it was mandatory that we vaccinate our children against it because it was intolerable that our children, our future, could be crippled when we knew how to prevent it – what, I ask, is the difference – why is FASD not headline news, why are all the stops not pulled out to prevent it?

The increase in crime is not solved by throwing more money at the system, more prisons or longer sentences and harsher penalties. It can be greatly reduced simply by eliminating future cases of FASD and dealing appropriately with those who already suffer from it. We need courageous leadership in this area to take the bull by the horns and address this issue in a compassionate, forthright and appropriate way.

If you would like further information I would direct you to an excellent website: <http://come-over.to/FAS>  
I would also be happy to discuss this with you further.

Sincerely

Vicki Pay  
Tomahawk, Alberta