

Notes for HSJCC Webinar: FASD & the Law

Speaker: David Boulding

Agenda:

The Webinar will cover:

- A) Quickly, some brief background on FASD, stressing the permanent nature of this permanent brain-based birth defect. This is an audience participation part and the most important section.... please play along!
- B. Then I suggest why people with brains that are missing pieces come into FREQUENT contact with the police, courts, and our overloaded jails.
- C.) And then I suggest some sources for strategies and solutions for people working with this population. Note: An intervention is difficult work and there is no easy fix! Do not give up, expect failure.
- D.) Finally, some lessons learned from others ahead of you. DO NOT RE-INVENT THE WHEEL...learn from the research and the successful practices of those before you.

FIRST SOME QUICK BASICS...THIS REQUIRES.... **absolutely requires**audience participation...play with me to learn the main point of today...this should take 3 to 5 minutes...laughing is allowed and recommended

1. Hands and fist...Ras (reticular activating system.... brain stem) ...snake brain...dog brain...your brain...ladder of brain power
2. Pyramid hands...brain as 99 floors of sandstone....my clients have skylights...the brain elevators for my clients are wonky

FASD is an invisible brain-based birth defect.... relationship... the dog brain is the road in ...the Shakespeare Mozart, Apollo 15, Einstein, doctor/lawyer brain not useful here... person to person.... Personable....no lectures.... more supportive

Dog brain is the limbic system... affective brain...relationship is key...as in most helping/healing professions ... older probation officers know this

See: A GENERAL THEORY OF LOVE.... An excellent review of the latest brain research... get past the goofy title by 4 neuro docs.... buy it...read it...lend it

3. Cell death...take an object...pen...put it on your table...imagine the object is a single brain cell in utero.... Now see the pen as surrounded by alcohol. Since alcohol is a slippery molecule, the alcohol slips inside the cell.... see the brain cell walls with alcohol on both sides.... POP... the cell explodes... the cell is gone ... not damaged...gone! And all the brain cells that are supposed to arrive in further development that depend on that cell do not happen...diminished brain power...cannot be fixed.... gone forever.

See Ed Riley...retired now from University of San Diego

4. Lawyer's Brief on my website: <http://www.davidboulding.com/>

All I got to say (sort of) in 2 pages

Read first paragraph. "Alcohol in the womb..." let us read out loud together.... if you have your copy

See #4 GO PAST JUDGMENT AND UNDERSTAND WHY PREGNANT WOMEN DRINK ALCOHOL Please read a few times.

See# 5 Good news from Doctor Sterling Clarren...EXTERNAL BRAIN.... your best tool.... best strategy

See CHARTER OF RIGHTS AND FREEDOMS...read it...maybe 7 times.

Canada is special. Our Charter is, while not perfect, light years ahead of all other CONSTITUTIONS found in all other western democracies....

Because OUR CANADIAN CHARTER is levelling device, a balancing device, and a device that aims...in the main....to bring up all Canadians to the level of the main privileged group...white males over 50 years old with lots of money...our Charter is an excellent vehicle for necessary legal changes for this population...not perfect...useable though....PEOPLE who work with this population must start CHARTER challenges...to get FREE FASD assessments...you can walk into any hospital with an illness and the system will give you a diagnosis...except FASD

B. Why do “they” break the law? and why so often?

Most crime is opportunistic, most serious financial crimes requires sophisticated brains. Most people with FASD do not commit serious crimes. I am aware of David Trott and others like him. Most of my clients commit breaches of their probation orders, small thefts, joyriding in stolen cars, and inept drug dealing USUALLY as couriers! Yes... there are serious assaults...a few!

Think ... a brain is missing pieces, a life full of frustration, no friends...and primary and secondary disabilities...crime may be an answer for someone with a time line of 15 minutes

BE HONEST...DO YOU THINK THE COPS CATCH THE SMART CROOKS?

(If you planned a crime..., would you get caught?)

THINK LOW HANGING FRUIT.... see Prof. D. Bayley: POLICE FOR THE FUTURE
Oxford University Press.

Our legal duty, as Justice system workers, under the Charter is to create success for all Canadians. Our duty is to accommodate all brains. Our Charter is a balancing, levelling document...use it the same way major corporations use it to secure their legal rights.

C. Resources, strategies, and the way forward to possible solutions

Your number one resource is: Diane Malbin’s TRYING DIFFERENTLY RATHER THAN HARDER

86 pages...if you have NOT read this book... YOU may be guilty of professional negligence and liable for damages if sued...seriously...it is a foundational text

BUY HER BOOK FOR YOUR OFFICE....in serious sex assault trial...guilty plea...I put the entire book into evidence.... probation office wanted 15 years in penitentiary...we got probation!

Please see page 22...primary and secondary disabilities..." accommodations"
There will be a screen shot of these pages...tape to your inside office door.

We will walk thru primary and secondary disabilities...note: we cannot fix primary disabilities...we can work with the secondary disabilities

Perhaps some of you will read her second book...A Collection of INFO for parents and Professionals.... third edition ...plastic coil ring...at: FASCETS.org...another valuable text...BUY IT! Erin has pix of the cover.

My well-thumbed text has many colored posts it notes...reminding me of the treasures inside. Also, I gave Candace and Erin some printed pages of common misinterpretations that some will find helpful.

DOING THUMBNAIL ASSESSMENTS ... YES you can

5. Dr Julianne Conry...a...l...a...r...m.... mnemonic for your use developed for teaching police...ask questions in these 5 areas. She was a University of British Columbia professor (educational/psychology/neurology) for 35 years and then worked at the ASANTE CENTRE

A Adaptive behaviours...use Vineland scales see Dr. Diane Russell Nanaimo BC

L Language (and learning)

A attention

R reasoning

M memory

I will detail each area. Basic accommodations...speak slower, use concrete words not abstract concepts. As Judge Michael Jefferies of Barrow Alaska says: "never assume if you said it, he got it...."

6. See “Jan Lutke” Note: there are differences between noncompliance and non-comprehension ...a GOOGLE search for “Jan Lutke” pays big...with ideas, strategies, and many helpful tips

My clients, your clients, this population lead lives of constant frustration and high anxiety...with huge shame...everyday...as you know stress kills and diminishes us

Take a risk....

I realize the next comment will sound naïve.... let us take the risk!

RELATIONSHIP is key.... supervision with heart with kind heart first repetition is the way to success. Every time I was able to tell a Judge, or probation officer....” I have a grandmother who will help” they listened because that simple way was always successful until she went away to help another child.

7. ASSESSMENTS...FASD assessments not in doctor’s fee sked...cost...high...Canada Health Act...all illnesses?

Charter application?

Write your Member of Parliament...fix this! NOW!

.... (a short story of autism... Auton case)

FASD ASSESSMENTS.....by you!

Go to www.davidboulding.com Click on the section called “PAPERS”. The paper is called...” What legal pros need to know” ... the paper is loaded with suggestions...here I want to extract the part about the “10 questions”

These are questions I heard experts speak about when I was attending 10 or so conferences each year ...years ago...from experts thru me to you.

Looking at only 5 questions will make you a board-certified neurologist...or at least informed enough to make excellent guesses...and to help judges or get a REAL ASSESSMENT ...**sadly sometimes I let a kid get convicted or sent to jail knowing that he could get an assessment...and in jail I knew he was warm and fed.... I know he would be the subject of predators...not a perfect solution.... we make professional decisions**

Ask these questions!

Q1...ADOPTED? ask about foster homes...visits to special docs...special meds?

Q2...ask about maternal drinking...one client calls his bio mom he met when he was 20 something a “party girl” ...his father a “mean drunk” ...bingo! “Did your parents spend a night in jail?”

The most accurate guide to how much women drink is how much their partners drink.... see California study...women who drink the most while pregnant have 4 years of university, white, and live with incomes 400% above poverty levels yes...doctors/lawyers’ wives.... Weird, eh!

Ask...have your parents ever spent a night in jail?

Ask collaterals...extended family about bio mom’s drinking, ask sisters, etc.

In one small community the s/w asked the bartender...wow! did she learn!

Be sensitive here as getting “no” to your questions does not end question process

Q3... developmental grid...grade 3...age.... all the way to high school

A social pass?

Ever see special teachers at school...put in special classes...good at art music?

Q4...tune into vocab

Using words above his learning...mens rea?

Are words a method of “being your friend” ...rather than sentences that make sense?

Does he use words he cannot define?

Are there gaps between his expressive language and what he comprehends he has said?

The paper has more questions... read entire paper... let your curiosity flow.... remember your first interview years ago and note how much better you are

now...ask about family...criminal records, sudden deaths, get client talking...telling stories is best.... ask about successes, about near successes.

D. What works?

1. Relationship.... Judge Cronin SPCA Vancouver pound
2. Friends...sports...football coach
3. Probation officers with ONLY 10 clients
4. People who see this populations as people like their sister or brother or cousin or neighbours
5. Early interventions
6. people who go to seminars, do the extra reading and talk to other s/w or probation/corrections people and discuss what works for them.... see: DO NOT REINVENT THE WHEEL...talking to colleagues is the best education
7. those s/w who create EXTERNAL BRAINS...Judge Cronin
8. those social worker/probation/judges who do not give up after many failures.... South Dakota probation story
9. the ASANTE CENTRE is a wonderful resource...especially the 910-page online resource for probation, parents, and corrections.

Quick review...expect failure, expect your words to go un- heard...repeat with heart...maybe 1000 times...smile...touch a shoulder...have cuppa!

You are trying to fit a brain with missing pieces into an angry, fast, unfeeling world.... think younger...often 10 to 13 years old...chronological age is not helpful...use Vineland Scales...

Match the brain before you to the task requested

Change their environment.... Use “no go and no contact” orders and create new friends...friends with fathers and mothers. The main change is an interior change... self-esteem, self-confidence, and self-reliance.

Note the gap in cognitive and social abilities and your expectation that they explain to you what happened. Note: often cannot explain their version of the Police report.

Speak slowly, calmly, use small words...watch Dr. Julie Conry's video. See: Talking with Victor. Understanding the offender with FAS. And watch it several times!

Remember the utility of physical effort...walk and talk, organized sport, coaches with heart. See: SPARK by J. Ratey. The CBC film about Allison Campbell a Saskatoon teacher.

British Columbia is a leader because of Doctor K ASANTE...and the hard-working parents who found the money to hire him. British Columbia, Alberta, Saskatchewan, and Manitoba formed a medical/research alliance and hired Dr. Sterling Clarren to run it...did not wait for Feds to send money!

See the cartoon films on my website (www.davidboulding.com) and Diane Malbin, Dr. Kathy Sulik, Dr. Anne Streissguth, and Jan Lutke, are excellent resources.

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