

# FASD and the Criminal Justice System

## Why criminal behavior?

There is a high prevalence rate of people with Fetal Alcohol Spectrum Disorders (FASD) becoming involved in criminal activity. Due to brain damage associated with alcohol use during pregnancy, people with FASD may:

- Lack impulse control and have trouble associating current behavior with future consequences
- Have difficulty linking cause and effect, planning for the future, taking responsibility, empathizing with others, delaying gratification, and using judgment in decision-making
- Be vulnerable to peer pressure or the influence of others (commit a crime with a group)
- Get frustrated easily and express socially unacceptable behavior (tantrums or explosive behavior)
- Be vulnerable to easily addictive behaviors such as alcohol abuse, drug use, or unsafe sex



Many of these characteristics may cause a high chance of a run-in with the law. It is estimated that up to 60% of people with FASD have been involved in the criminal justice system at some point. Additionally, FASD is a common diagnosis in many current prison inmates.

## Case Studies

### The Barefoot Bandit



You may recall the story of Colton Harris-Moore aka The Barefoot Bandit. He made national headlines in 2010 during a crime spree from Washington State to the Bahamas, where he was arrested. During his journey he stole an aircraft, boat, several cars, and burglarized at least 100 private residences and would flee the crime scenes in his barefeet. During his criminal trial it was revealed that he had Alcohol Related Neurodevelopmental Disorder, a mild form of FASD which leaves his intelligence intact but have may caused him to have with difficulty understanding the consequences of his actions.

### Jonathan McMullen

In 2001, a 15-year-old boy living in Arizona was arrested for murdering his adoptive mother and attempting to murder his younger brother. He shot his mother six times and his brother at least once. After the shooting he took off with a friend in the family car before being arrested 60 miles away. It is reported that he has fetal alcohol syndrome. Despite his diagnosis, in 2002 a judge found the teenager competent to stand trial.

## Tyler Mills

In 2004, 26-year-old Tyler Mills was arrested for child enticement. He was caught soliciting who he thought was a 14-year-old girl in a chat room, but turned out to be an undercover police officer. In previous years, he had also been arrested for auto theft charges, financial crimes, and peeping at women in restrooms. In 2008, he lost nearly 25lbs after it was revealed that he had stopped eating and drinking after swallowing a toothbrush that remained in his stomach. His bizarre behavior has been associated with a diagnosis of Fetal Alcohol Spectrum Disorder, but his diagnosis prevented him from receiving medical care associated with his weight loss and also did not stop a 12+ year prison sentence from being imposed for his child enticement crime.



## FASD and Criminal Behavior



While many other factors can be associated with delinquent behavior such as upbringing, family influence, peer pressure, financial stressors, etc., one thing connects these case studies and many other criminal cases—FASD. Brain damage associated with prenatal alcohol use leaves almost 40,000 babies born every year, through no fault of their own, with a life full of challenges that may prevent them from finishing school, holding a job, and living independently. Unfortunately for some individuals, the criminal justice system is their fate.

While many people with FASD do thrive in their life and communities with the proper supports, there are still many that are not as lucky and do not have the same resources as others.

Fortunately, Fetal Alcohol Spectrum Disorders is 100% preventable if a woman chooses NOT to drink while pregnant, planning on becoming pregnant, or while sexually active and not using a form of birth control. There is no documented safe time, amount or type of alcohol to drink during pregnancy.

You can find out more about Fetal Alcohol Spectrum Disorders by visiting

[www.AlcoholFreePregnancyNJ.com](http://www.AlcoholFreePregnancyNJ.com)



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