



Psychiatry & Behavioral Science Section – 2010

I18 Forensic Aspects of Fetal Alcohol Syndrome

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By attending this presentation, attendees will learn the extent to which adults with fetal alcohol spectrum disorders (FASDs) impact our legal system with respect to types of crimes committed, sentencing, prevalence in prison populations, and possible reasons for under-diagnosis or misdiagnosis.

This presentation will impact the forensic science community by describing the challenges and potential medicolegal ramifications facing mental health experts who identify, diagnose, and/or treat individuals with FASDs, and generally will endeavor to shed some light on what happens to the myriad of FASDs children who grow up to interface with the criminal justice system.

Little is known about the extent to which adults with FASDs impact our legal system. Since 1973, when researchers at the University of Washington first reported that alcohol was indeed a teratogen, most of the research, clinical description, and treatment of FASDs focused on children and adolescents. The notion of fetal alcohol syndrome (FAS) in adults made a rather dubious entrance onto the national stage in 1993 with the well-publicized execution of convicted double-murderer Robert Alton Harris in California. His final death row appeal for clemency based on FAS became known as the “abuse excuse,” and many argued that it made a mockery of the criminal justice system.

Through a search of the literature and relevant case law since the Robert Alton Harris case, some garnered from decades of research conducted by the Fetal Alcohol and Drug Unit at the University of Washington School of Medicine, this presentation will present an overview of FASDs: how they are viewed generally within the legal system in criminal and civil contexts, and potential forensic ramifications. It will also present an overview of the Robert Alton Harris case and other relevant cases since that time, clinical aspects such as pathophysiological, behavioral, and cognitive abnormalities, and epidemiology and psychological testing results, which often show low-normal IQs. The aim of this presentation is to convey an overall sense of the magnitude of the problem of FASDs in terms of cost to society, sentencing, disposition and treatment challenges, and explore whether there is a legitimate argument for reduced criminal responsibility in individuals with FASDs.

Aspects, Fetal, Alcohol